

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63605 of 2022

Arising Out of PS. Case No.-27 Year-2020 Thana- GOH District- Aurangabad

GORAKH RAM Son of Late Ram Autar Ram Resident of Village and P.O.-
Dindir, P.S.- Haspura, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 05-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 26.05.2020
in connection with Goh P.S. Case No. 27/2020, F.I.R. dated
17.02.2020, for the offences punishable under Sections 147, 148,
149, 323, 149, 387, 302, 120B of the IPC, Section 27 of the Arms Act
& Section 17 of C.L.A. Act.

As per prosecution case, some miscreants arrived at the
place of the occurrence and fired upon one of the labourers of the
construction company which was constructing a bridge due to non-
fulfillment of levy to CPI (Maoist) Magadh Zonal Committee.

Learned counsel for the petitioner submits that earlier the
bail petition of the petitioner was twice rejected vide order dated
18.02.2022 in Cr. Misc. No. 45404 of 2021 & vide order dated
05.03.2021 in Cr. Misc. No. 37607 of 2020. Learned counsel for the
petitioner submits that the petitioner has falsely been implicated in
the present case. He further submits that the petitioner is not
named in the F.I.R. The name of the petitioner has been transpired
during investigation on the basis of self confessional statement of



the petitioner. He further submits that charge has been framed against the petitioner vide order dated 26.05.2022 and till date no witness has yet been examined by the prosecution.

Vide order dated 19.04.2023 a report was called for from the learned Trial Court. Report dated 02.05.2023 of the learned Trial Court reveals that the prosecution has examined only one witness till date out of seven charge sheeted witnesses.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in near future and the petitioner is in custody since 26.05.2020. He further submits that co-accused namely Vijay Paswan has been granted bail vide order dated 24.06.2021 passed in Cr. Misc. No.39825/2020 by co-ordinate Bench of this Court, other co-accused namely Suresh Rajwar @ Suresh Ram has been granted bail vide order dated 28.04.2021 passed in Cr. Misc. No. 40291/2020, other co-accused namely Raju Singh @ Rajesh has been granted bail vide order dated 22.03.2021 passed in Cr. Misc. No. 1987/2021, other co-accused namely Binda Ram has been granted bail vide order dated 28.06.2021 passed in Cr. Misc. No. 12093/2021, other co-accused namely Badhu Mahto has been granted bail vide order dated 08.07.2021 passed in Cr. Misc. No. 13501/2021, other co-accused namely Girija Pandit has been granted bail vide order dated 23.02.2022 passed in Cr. Misc. No. 33642/2021 and other co-accused namely Ram Dayal Mistry has been granted bail vide order dated 21.12.2021 passed in Cr. Misc No. 38820/2021.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried two criminal antecedent other than the present one.



Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VII, Aurangabad in connection with Goh P.S. Case No.27/2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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