

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66211 of 2022**

Arising Out of PS. Case No.-74 Year-2021 Thana- GOPALPUR District- Gopalganj

Ganpat Thakur Son of Kanhaiya Thakur Resident of village - Rajapur Bazar,
P.S.- Gopalpur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 01-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
02.08.2022 in connection with Gopalpur P.S. Case No. 74 of
2021, F.I.R. dated 10.04.2021 for the offences punishable under
Sections 302, 307, 120(B)/34 of the Indian Penal Code and
Section 27 of the Arms Act.

According to prosecution case, co-accused Bigan Rai,
Pankaj Rai and Devendra Rai fired three bullets on the
informant's father and sister, on account of which, both of them
sustained firearm injuries and father of the informant died on the



way to hospital.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is specific allegation of assault or overt act against the co-accused persons, namely, Pankaj Rai, Devendra Rai and Bigan Ram and there is no allegation of assault or overt act attributed against the petitioner. He further submits that the petitioner has been implicated in this case due to previous land disputes between the parties (Title Suit No. 604 of 2021). He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 02.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, 1st, Gopalganj in connection with Gopalpur P.S. Case No. 74 of 2021, 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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