

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75692 of 2023

Arising Out of PS. Case No.-169 Year-2021 Thana- NOORSARAI District- Nalanda

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GANESH KUMAR @ GANESH YADAV S/O RAMSHLOK PRASAD
VILLAGE- KRISHNA BIGHA, PS. HILSA, DIST. NALANDA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Session
Trial No. 687 of 2021 arising out of Noorsarai P.S. Case No. 169 of
2021 registered for the offences punishable under Sections 394, 395
and 412 of the IPC.

3. As per prosecution case, on the point of pistol, four
miscreants took away the key of the informant's truck loaded with
onion as well as mobile of the informant and his co-driver. It is
further alleged that miscreants tied informant and his co-driver to a
tree and absconded with the said truck. It is further alleged that the
police reached Gulab Chowk, Patna where they found the stolen
truck loaded with onions.

4. Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been transpired



in the present case upon the confessional statement made by petitioner and others in Sarmera P.S. Case No. 111 of 2021 in which they confessed their involvement in the present case and on that basis, the petitioner has been remanded in the present case on 14.06.2021 and since then he is in custody. He further submits that petitioner has served more than two year and five months in custody. Petitioner bears criminal antecedent of eight cases in which he is on bail. Learned counsel further submits that petitioner has been falsely made accused in several cases of similar nature in similar manner. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no TIP has been conducted uptill now. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that seizure list indicates that looted articles as well as truck were recovered in a abandoned condition on the same day. Petitioner has nothing to do with the alleged occurrence. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into



consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge VII, Nalanda, Bihar Sharif in connection with Session Trial No. 687 of 2021 arising out of Noorsarai P.S. Case No. 169 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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