

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.803 of 2023

Arising Out of PS. Case No.-19 Year-2022 Thana- UDAKISHUNGANJ District- Madhepura

RAMESH GOSWAMI Son of Sri Baijnath Goswami R/V- Pipra Karouti, P.S-
Udakishunganj, Dist- madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Adv.

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
20.03.2022 in connection with Udakishunganj P.S. Case No.
19/2022, S.Tr. No. 192/2022, F.I.R. dated 26.01.2022, for the
offences punishable under Sections 302, 120B of the IPC &
Section 27 of the Arms Act.

According to prosecution case, the Director of
Aasirvad Nursing Home namely, Lal Kumar Yadav is said to
have been killed by some unknown miscreants about which
informant got information by telephonic call. Injured died on
way to hospital. The alleged occurrence took place in the
background of election rivalry and land dispute.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case due to previous antecedent of the petitioner. He further submits that the allegation as alleged in the F.I.R is false and fabricated and it has come during investigation in paragraphs-43 and 47 of the case diary that the co-accused persons, namely, Varun Singh and Natwar Chaudhary @ Natwar Kumar confessed their guilt that they have killed the deceased and the petitioner was also involved in the occurrence. He further submits that except the confessional statement of the co-accused persons and the self confessional statement of the petitioner, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused persons, namely, Natwar Chaudhary has been granted bail by a co-ordinate Bench of this Court vide order dated 22.03.2023 passed in Cr. Misc. No.67472/2022, another co-accused namely, Mantu Singh has been granted bail vide order dated 29.03.2023 passed in Cr. Misc. No. 14501/2023 and another co-accused namely, Biren Singh @ Birendra Singh @ Biran Singh has been granted bail vide order dated 07.04.2023 passed in Cr. Misc. No. 54535/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner



and the petitioner is in custody since 20.03.2022.

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 carries seven criminal antecedent other than the present one but fairly submits that the petitioner has been acquitted in two cases and he is on bail in two cases and three cases are pending for consideration.

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 Additional Sessions Judge-I, Madhepura in connection with Udakishunganj P.S. Case No. 19/2022, S.Tr. No. 192/2022, 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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