

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17732 of 2024

Arising Out of PS. Case No.-1572 Year-2023 Thana- PHULWARISHARIF District- Patna

Ganesh Kumar @Santosh Kumar Son of Ajay Rai @ Ajay Kumar Ray,
Resident of Village- Naya Tola Nausa, Hinduni, PS- Phulwarisharif, Distt-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Raj, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr. Avinash Raj, the learned counsel for the

petitioner and Mr. Ram Naresh Ray, the learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Phulwarisharif PS Case No. 1572 of 2023, FIR
dated 06.11.2023, registered for the offences punishable under
Sections 341, 323, 504 and 302 read with Section 34 of the Indian
Penal Code.

3. According to prosecution case, the informant came to
know from a friend of his nephew that his nephew is involved in a
scuffle with FIR named accused persons. It is further alleged that
with the help of police the dead body of informant's nephew was
recovered from water.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case and the petitioner is not named in the FIR, rather his name has transpired on the basis of confessional statement of co-accused person namely, Lal Babu. He further submits that except the confessional statement of the co-accused person, no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence. He lastly submits that there is no eyewitness of the alleged occurrence and the *post-mortem* report of the deceased suggests that the cause of the death was drowning.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent, he is not named in the FIR and his name transpired on the basis of the confessional statement of the co-accused person, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Chief Judicial Magistrate-XIV, where the case is pending in connection



with **Phulwarisharif PS Case No. 1572 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). 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 learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial 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 learned trial Court 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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