

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81893 of 2023

Arising Out of PS. Case No.-101 Year-2012 Thana- GANGABRIDGE District- Vaishali

SRI KANT SINGH Son of Late Raghunath Singh R/o vill - Kuari Buzurg,
P.S. - Ganga Bridge, Distt. - Vaishali at Hajipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Ganga Bridge P.S. Case No. 101 of 2012 registered for the offences punishable under Sections 385, 420, 467, 328 of the Indian Penal Code.

As per prosecution case, there is allegation against the petitioner that he took informant's father in law towards the road from where informant's father in law was taken somewhere on a motorcycle by five co-accused persons, where he was given some sweets. A query was made from informant's father in law regarding receiving of three lakh rupees for three kathas of land and in response to the said query, he (informant's father in law) stated that he did not execute any sale deed. Thereafter,



he was provided tea and after that he did not remember anything.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. It is further submitted that the occurrence occurred on 03.11.2012 while the present FIR has been lodged by the informant on 07.11.2012 and there is no explanation for the delay in lodging the FIR. From perusal of annexure 2 of the bail petition, it is evident that co-accused Ranjeet Shukla and Arbind Sharma have already been granted bail by a co-ordinate bench of this Court vide Cr. Misc. No. 18249 of 2013 and co-accused Ashok Shukla has already been granted bail by a co-ordinate bench of this court vide Cr. Misc. No. 533 of 2014. The case of present petitioner stands on better footing because the only allegation against him is that he only took informant's father in law near the road. As per FIR, informant is not eye witness of the alleged occurrence. The petitioner has been made accused in the present case merely on suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner is in custody since 13.06.2023. Learned counsel orally submits that charge sheet has already been



submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears no criminal antecedent.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, co-accused has already been granted bail, 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 CJM, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 101 of 2012 , subject to the 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 a single date, 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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