

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5221 of 2016

Arising Out of PS.Case No. -24 Year- 2015 Thana -MATIHANI District- BEGUSARAI

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1. Gulshan Kumar Singh @ Gulshan Kumar S/o Krishnandan Singh R/o -
Village - Nayagaown, P.S.- Matihani, Dist. - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s Mr. Bhanu Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

06/ 07.04.2016 Supplementary affidavit is filed on behalf of the petitioner.

Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State assisted by learned counsel for
the informant.

Petitioner seeks bail in a case registered under section 302
and other allied sections of the Indian Penal Code as well as section
27 of the Arms Act.

Altogether, nine persons including the petitioner are named
in the first information report and the informant claims herself to be
eye-witness of the alleged occurrence and states that FIR named
accused Aman Anand @ Lallu, Sudarshan Raj @ Kallu and Awadh
Kishore Singh shot fire on the chest of the deceased and after that FIR
named accused Narain Singh shot fire on the temple of the deceased
and thereafter, petitioner and co- accused Gaurav Kumar Singh made
indiscriminate firings on the chest and other parts of the body of
deceased. It is further alleged that FIR named accused Sunil Singh

also fired.

Photo copy of the post mortem report of the deceased is available on record of Cr. Misc. no. 57152/2015 and photo copy of the post mortem report of the deceased goes to show that, altogether, six injuries were found on the person of the deceased but out of them four injuries are said to be wound of entry whereas rest two are wound of exit. Furthermore, three wound of entry was found on the chest of the deceased whereas one injury showing wound of exit was found on the skull of the deceased.

Learned counsel appearing for the petitioner points out that FIR named accused Aman Anand @ Lallu, Sudarshan Raj @ Kallu and Awadh Kishore Singh are said to have opened fire on the chest of the deceased and the injuries found on the chest of the deceased are attributed to the aforesaid three co- accused persons and so far as injury found on the **Kanpati** of the deceased is concerned, the same is attributed to co- accused Narain Singh.

No doubt, informant claims that the petitioner and co-accused Gaurav Kumar Singh caused injuries on the chest and other parts of the body of the deceased but admittedly, three wound of entry on the chest and one wound of entry on the **Kanpati** of deceased were found and all the aforesaid injuries are attributed to other co- accused. It is further pointed out by him that co- accused Awadh Kishore Singh has already been granted the privilege of bail by a coordinate bench of this court though his prayer was not considered on merit rather he was granted privilege of bail taking note of his physical condition. It is further contended by him that co- accused Sunil Singh has also been



granted the privilege of bail by a coordinate bench of this court and the case of the petitioner is, more or less, on similar footing to that of co- accused Sunil Singh.

On the other hand, learned counsel appearing for the informant opposes the prayer pointing out that trial of the petitioner and other accused is likely to be concluded within a very short span of time because five prosecution witnesses have already been examined.

Considering the above stated facts and circumstances as well as submissions of the parties and also taking note of this fact that injuries found on the chest of the deceased were caused by other accused and similarly, injury found on the **Kanpati** was caused by co-accused Narain Singh and having more or less similar allegation some co- accused persons have already been granted privilege of bail, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge IV, Begusarai in Sessions Trial no. 366/2015 arising out of Matihani P.S. Case no. 24/2015 subject to the conditions that petitioner shall attend the learned trial court in person on each and every date for the period of nine months or till conclusion of his trial whichever is earlier and if he fails to do so on two consecutive dates without any reasonable explanation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after due and proper enquiry.

shahid

(Hemant Kumar Srivastava,J)