

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35050 of 2017

Arising Out of PS.Case No. -105 Year- 2017 Thana -SHEKHPURA District- SEKHPURA

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1. Gopal Kumar Son of Umesh Singh @ Umesh Prasad Singh (wrongly mentioned in Impugned order as Son of Late Umesh Singh), R/o Village-Barma, P.S.- Sheikhpura, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Iftekhar Mahmood

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-08-2017 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection with Sheikhpura P.S. Case No. 105/17 for offences punishable under Section 307 and other allied Sections of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while he was in his mill along with his uncle and cousin brother, the petitioner along with eight other accused persons came and started assaulting his uncle. Petitioner hit the informant by fire-arm and the co-accused Avinash Kumar and Pinku Kumar also opened fire while other accused persons assaulted his uncle



and cousin brother and took away money and other articles.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and has falsely been implicated in the aforesaid case due to land dispute. In fact, a counter-case was also lodged by the informant side bearing Sheikhpura P.S. Case No. 109/2017 for the same incident and both sides received injuries. He submits that the petitioner is languishing in judicial custody since 19.06.2017 and the injury report specifies three injuries but it is not ascertainable as to who caused which injury, although the injury on the forearm has been opined to be grievous, which is not on the vital part of the body.

However, learned counsel appearing for the informant submits that the petitioner had caused fire-arm injury on the informant, hence, opposes the prayer for bail.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura, in connection with



Sheikhpura P.S. Case No. 105/17, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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