

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14728 of 2018

Arising Out of PS.Case No. -190 Year- 2017 Thana -BAKHTIYARPUR RAIL P.S. District-
PATNA

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Gulshan Raj @ Pali Kumar @ Poli, S/O Munna Ram, R/M- Station Road,
Barh, near-Vishkarma Temple, in front of Hello India, Shop P.S. Barh,
District-Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Lovekush Kumar, Advocate.

For the Opposite Party : Mr. Umesh Lal Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-03-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 148, 149, 323, 307 of
the IPC, 37(b) of the Bihar Prohibition and Excise Act, 2016 and
25(1)(b) (A), 26, 35 and 27 of the Arms Act.

The prosecution story, in brief, is that on 01.10.2017
at about 10.30 P.M. while the informant was closing his Tea Shop,
nine boys came in drunken condition and asked for tea. He gave
tea to them. Thereafter, the informant demanded money. They fled
away. After sometime, the boys came in angry condition and one
of them fired three shots on him but did not hit him then they
assaulted with fists and slaps. The informant also sustained head



injury. One accused as Gautam Kumar was apprehended on spot. He also disclosed his associates as this petitioner, Raja Kumar, Amarnath Kumar, Vikash Kumar, Akash Kumar, Bittu Kumar and Rampat Kumar. One misfired cartridge was recovered from his possession.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that the petitioner was in drunken state. None is said to have been injured in course of occurrence. The petitioner has been made accused in the present case due to village politics. There is no substantive evidence to suggest his implication in the present case. The name of the petitioner has come on the basis of disclosure made by co-accused Gautam Kumar.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned A.D.J. VIII-cum-Special Judge, Excise, Patna, in connection with Special Case No. 6674 of 2017, arising out of Bakhtiyarpur (Barh) Rail P.S. Case No. 190 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

