

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3214 of 2019

Arising Out of PS. Case No.-406 Year-2018 Thana- BARAUNI District- Begusarai

Gulshan Kumar, Male, aged 25 years, son of Late Mahendra Singh Vill-Bihat,
tola Ibrahimpur, Saharbanna, PS-Barauni (FCI), Dist.-Begusarai
... Petitioner

Versus

The State Of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Sandip Kumar Gautam, Adv.
For the Opposite Party : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-01-2019

Heard the learned counsel for the petitioner and the learned
counsel appearing for the State.

The petitioner is languishing in judicial custody since
23.08.2018 in connection with Barauni P.S. Case No. 406 of 2018 for the
offences alleged under Sections 25(1-B)a and 26 of the Arms Act.

The prosecution case, as lodged by the police personnel, is that
on information that the petitioner has fired on his cousin brother, Lali @
Lallan Singh for land dispute, the police reached the place of occurrence
on 22.08.2018 and apprehended the petitioner with one country made
pistol loaded with one live cartridge. On search from his pant pocket
seven live cartridges were recovered. Accordingly, a seizure list was
prepared.

It has been submitted by the learned counsel for the petitioner that
he is innocent and for the same occurrence Barauni P.S. Case No. 409 of 2018
has been lodged against the petitioner on the next day, i.e., on 23.08.2018 and
multiplicity of cases for the same occurrence is unwarranted. He, further,
submits that charge sheet has already been submitted and there is no allegation
of tampering of the prosecution witnesses. Petitioner, further, submits that he
has already been remanded in the other case being Barauni P.S. Case



No. 409 of 2018 from the present case on 23.08.2018, i.e., a day after the occurrence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials 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 in connection with Barauni P.S. Case No. 406 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) 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)

Shamshad/-

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