

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53629 of 2019

Arising Out of PS. Case No.-125 Year-2017 Thana- GOPALPUR District- Bhagalpur

=====

Bimlendu Kumar @ Bimlendu Kunwar, aged about 46 years, (Male), Son of
Late Ram Sharan Kumar @ Late Ram Sharan Kunwar, Resident of Village-
Saidpur, P.S.- Gopalpur, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr.Vipin Kumar, Adv.

For the Opposite Party : Mr.Akshay Lal Pandit (APP)

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 16-10-2019 Heard counsel for petitioner, counsel for the
informant and counsel for the State.

Petitioner, who is in custody, seeks bail in connection
with Sessions Trial No. 896 of 2017 arising out of Gopalpur
P.S. Case No. 125 of 2017 registered for the offences punishable
under Sections 302, 120(B)/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Petitioner has earlier moved this Court for bail vide
Cr. Misc. No. 68714 of 2018 which was rejected on 19.12.2018.

Informant is brother of deceased, who in his
fardbeyabn recorded at 10:00 P.M. in Jawaharlal Nehru Medical
College, Bhagalpur has stated that on 15.06.2017 at about 6:00
A.M. he along with his elder brother was going to Naugachia



for some urgent work on their separate motorcycles, in the way petitioner along with all F.I.R. named accused persons intercepted him and co-accused Jitendra Kumar Gautam @ Guddu fired two rounds from his pistol upon the brother of the informant and thereafter all accused persons fired indiscriminately from their rifle and pistol and fled away. Brother of the informant was taken to Mayaganj Government Hospital, Bhagalpur, but was declared brought dead by the doctor.

It has been submitted on behalf of petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case due to dirty village politics. Presence of informant at the place of occurrence is doubtful. The specific allegation of firing is against co-accused Jitendra Kumar Gautam @ Guddu. Allegations against all other accused is general and omnibus in nature. Similarly placed accused has been granted bail by a co-ordinate Bench of this court as contained in Annexure-4. Doctor has found 4 wound of entry two of them at vital part i.e chest and abdomen. Petitioner is in custody since 16.06.2017.

Counsel for the informant has opposes the prayer for bail.



Considering the aforesaid facts and circumstances of the case, petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District & Sessions Judge Naugachia, District-Bhagalpur, in connection with Sessions Trial No. 896 of 2017, arising out of Gopalpur P.S. Case No. 125 of 2017 with following conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and valid reason trial court shall have liberty to cancel his bail bond.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Rajiv/-

U		T	
---	--	---	--

