

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2400 of 2019

Arising Out of PS. Case No.-55 Year-2015 Thana- NIMACHANDPURA District- Begusarai

Gopal Kumar @ Gopal Singh @ Gopal Kumar Singh Shyam Singh R/o Vill-
Chandpura. P.S. Neemachandpura, District- Begusarai ... Petitioner
Versus

The State Of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Sada Nand Roy, Adv.

For the Opposite Party : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-01-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner had earlier moved for bail which was rejected on 29.06.2018 in Cr. Misc. No. 28945 of 2018. The petitioner is languishing in judicial custody since 16.03.2018 in connection with S. Tr. No. 355 of 2018 arising out of Neemachandpura P.S. Case No. 55 of 2015 for the offences alleged under Sections 307 and 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant is that while he was sitting near a Thakurbari, the petitioner along five other accused in three motorcycles came and started indiscriminate firing. When the informant tried to flee away, co-accused, Bibhuti Singh fired on the informant, which missed. The petitioner also fired which hit his right thigh.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent and there was a land dispute between the parties, hence, the petitioner has been falsely implicated. He, further, submits that the injury caused on the informant is not on the vital part of the body, hence, no case under Section 307 of the Indian Penal Code is made out. It is, further, submitted that the allegations are general and omnibus and it is not ascertainable that amongst six accused persons, including the petitioner, who fired the shot hitting the informant. The petitioner undertakes to cooperate in the trial on day-to-day basis.

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

Considering the facts and circumstances and the materials on record as well as the custody, 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 S. Tr. No. 355 of 2018 arising out of Neemachandpura P.S. Case No. 55 of 2015 to the satisfaction of the learned Additional Sessions Judge, V, 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/-

U			
---	--	--	--

