

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24166 of 2020**

Arising Out of PS. Case No.-77 Year-2020 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

Prabodh Kumar @ Lailun Singh @ Prabodh Singh @ Lailun S/O Ram Nath
Singh Resident of Village - Jaitiya, P.S. Charki (Bodhgaya), District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar
For the Opposite Party/s : Mr.A.P.P.
Mr. Manoj Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 21-09-2020 Heard learned counsel for the petitioner, learned
A.P.P. for the State as well as learned counsel for the informant
through video conferencing.

The petitioner seeks bail in Magadh Medical P.S.
Case No. 77 of 2020, registered for the offence under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms
Act.

As per prosecution case, on 23-04-2020 at 4:30 PM,
son of the informant was playing Cricket and informant was
going to attend call of nature. In the meantime, the informant
saw six miscreants on three motorcycles, which includes
petitioner also, and they were searching the son of informant
and when the informant intervened, it is alleged that co-accused



Mukesh Kumar fired from his country-made pistol, however; it did not hit him. It is further alleged that co-accused Guddu Singh fired upon informant's son near his chest, as a result of which, he fell down and died. It is further alleged that rest of the accused, including petitioner, made indiscriminate firing and after seeing the villagers, all fled away.

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case. Specific allegation of firing is against co-accused Mukesh Singh and Guddu Singh. It is further submitted that as per FIR, firing of Guddu Singh hit the son of informant, by which, he died. So far as this petitioner is concerned, this petitioner alongwith other accused are alleged to have made indiscriminate firing but causing no injury to anyone. It is further submitted that as per post-mortem report, only one fire-arm injury has been found on the person of deceased. The petitioner has got clean antecedent and he is in custody since 30-04-2020.

However, learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the bail application and submitted that this petitioner has also participated in the aforesaid crime and he alongwith other accused were making indiscriminate firing.



Considering the aforesaid facts and circumstances, the bail application is allowed.

Let the above-named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Gaya in connection with Magadh Medical P.S. Case No. 77 of 2020 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”.

(Prabhat Kumar Singh, J)

anay/-

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

