

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 13216 of 2021**

Arising Out of PS. Case No.-60 Year-2020 Thana- BIBHUTIPUR District- Samastipur

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GOPAL SINGH Son of Sanjiv Singh Resident of Village - Malhipur
Vishanpur, P.S. Barauni, District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Ramakant Sharma, Sr Advocate with Mr Rakesh Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 13-09-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

The petitioner seeks bail in Bibhutipur Police
Station (for brevity, *PS*) Case No 60 of 2020 instituted for the
offence punishable under Sections 302/34 of Indian Penal Code
(for brevity, *IPC*) and Section 27 of Arms Act.

There is allegation against the petitioner of firing
upon the informant's father.

Learned senior counsel for the petitioner has
submitted that the description of place of occurrence, as per the



case diary, has not left scope for the informant to have any view of the alleged incident. The incident has also occurred in the night and for this reason also, identification of the petitioner, as being assailant, is doubtful. Further submission is that the alleged occurrence has taken place on 10.03.2020. From the case diary, it appears that inquest report was prepared on 11.03.2020. First Information Report, however, has been lodged on 13.03.2020. This delay has allowed for the false implication of the petitioner as an afterthought. The petitioner is said to be accused in two cases from before. Both the cases are for the offence punishable under Section 392 of IPC. The petitioner has now remained in custody since 10.03.2020, i e, more than one and half years.

This Court had called for a report regarding the stage of trial. It is stated in the report that no witness has been adduced at the trial. The report is dated 01.09.2021.

The learned APP has opposed the prayer for bail. It is submitted that petitioner is named assailant and has criminal antecedents also.

Considering the aforesaid submissions and custody of the petitioner, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's



counsel. Prayer for bail, in the instant case, is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate II, Rosera at Samastipur in connection with Bibhutipur PS Case No 60 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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