

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21254 of 2021

Arising Out of PS. Case No.-61 Year-2020 Thana- NAYAGAON District- Begusarai

Gulshan Kumar @ Gulshan Kumar Jha, Son of Santosh Jha Resident of
Village - Kauaakol, P.S.- Nayagaw, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Shankar, Adv.

Mr. Prem Kumar, Adv.

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-11-2021 Heard Sri Uma Shankar, learned counsel for the
petitioner and Mrs. Pushpa Sinha, learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks bail in connection with Nayagaon
P.S. Case No.61 of 2020, registered under Sections 147,
148,149, 307, 386, 504, 506 IPC and 27 Arms Act.

Brief story of the prosecution is that the petitioner and
other accused persons has fired on the informant however no
injury has been caused only that empty bullet has been
recovered from the alleged place of occurrence.

Learned counsel appearing on behalf of the petitioners
submits that petitioner has been roped in a false case and there is
no independent eyewitness in the present case and so far as



demand of extortion of rupees one lac is concerned the same is concocted one. He further submits that there is general and omnibus allegation made in the FIR and he is rotting in jail since 23.11.2020. He further submits that this is a fit case in which the petitioner be released on bail. Learned counsel for the petitioner further submits that other co-accused, namely, Ram Binod Kuwar alias Ram Binod Singh and Babli Singh alias Abhishekh Kumar has been released on bail vide order dated 16.03.2021 passed in Bail Application No.248 of 2021 and order dated 27.03.2021 passed in Bail Application No.408 of 2021 respectively.

Learned counsel for the State however opposed the prayer for bail of the petitioner and submits that from perusal of the impugned order it appears that petitioner has made demand of rupees one lac and incriminating material has been seized from the place of occurrence and as such petitioner complicity in the case cannot be removed.

Having considered the facts and circumstances of the case and general and omnibus allegation made in the FIR and taking into consideration that nothing incriminating material has been seized from the possession of the petitioner and also the fact that co-accused has already been granted bail by the court



below. Let the petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Begusarai in connection with Nayagaon P.S. Case No.61 of 2020 subject to the 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 properly represented on each and every date fixed by the court.

(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.

(Purnendu Singh, J)

Prakash Narayan /-

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

