

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33169 of 2021

Arising Out of PS. Case No.-3 Year-2021 Thana- PIRO District- Bhojpur

GAUTAM KUMAR @ CHITRANJAN, aged about 25 years, Male, Son of Dinanath Singh Resident of Village - Sambhal Tola, P.S.- Piro, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 08-10-2021

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 147,148,149,341,323,307 of the Indian Penal Code and Section 27 of the Arms Act.

Informant has alleged that on 02.01.2021 at about 7:30 p.m., while he was sitting in front of his door, co-accused, Dharmendra Kumar fired at him by pistol but it did not hit the informant. Thereafter, Dinanath Singh and Gautam Kumar (petitioner) fired with pistol with intention to kill the informant but informant saved in course of scuffling. In the meantime, one co-accused Nandan Kumar fired upon forehead of the informant but the bullet struck upon the back of the informant

and came out through the chest. Thereafter, co-accused Sawaru Singh instigated and fired with pistol and said that we will kill you and when after hearing the hue and cry, Santosh Chaudhary, Satyendra Kumar and Gupteshwar Kumar came to save the informant, all the accused persons fled away.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It is further submitted that from perusal of the FIR, it is clear that specific allegation of firing which hit the informant is against co-accused, Nandan Kumar and as far as petitioner is concerned, he is only said to have fired in the air. Petitioner has no criminal antecedent and he is in custody since 04.01.2021.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Piro P.S. Case No. 3 of 2021 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 properly represented on each and every date

fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(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)

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