

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31845 of 2020

Arising Out of PS. Case No.-623 Year-2018 Thana- MASAUDHI District- Patna

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Gulrej Malik (Male), aged about 28 years, son of Md. Iqbal, resident of
Village - Rahmatganj, Masaurhi, P.S.- Masaurhi, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advcoate
For the State : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 30-01-2021

Heard Mr. Praveen Kumar, learned counsel for the
petitioner and Mr. Md. Arif, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with
Masaurhi PS Case No.623 of 2018 dated 29.08.2018, instituted
under Sections 341, 324, 326, 207 of the Indian Penal Code and
27 of the Arms Act, 1959.

3. The allegation against the petitioner, though not
named in the FIR, is of being party to shot being fired on the
informant.

4. Learned counsel for the petitioner submitted that
neither the informant nor the victim, who is son of the
informant, has recognized him, but during investigation it has



come that the petitioner along others had dragged one Golu, but he was rescued by the victim, and while they were going, the accused had opened fire intended for Golu, but it hit the victim. Learned counsel submitted that the only allegation against the petitioner is general and omnibus of dragging Golu, but no other overt act has been assigned to him. It was submitted that even in the confessional statement of co-accused Nitish Kumar, he has stated that one Taj Mallik gave his weapon to another co-accused, Sonu, who fired, but the petitioner was nowhere in the picture. Learned counsel submitted that the petitioner is in custody since 29.05.2020.

5. Learned APP, from the case diary, submitted that the petitioner was also party to the entire incident as he was with the culprits. However, it was not controverted that no direct role has been assigned to him and further, specific role of providing the weapon and firing is against other co-accused.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Masaurhi, Patna, in Masaurhi PS Case No.623 of 2018,



subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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