

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47243 of 2021

Arising Out of PS. Case No.-108 Year-2020 Thana- BARH District- Patna

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GULSHAN KUMAR Son of Late Arun Singh @ Pappu Singh Resident of
Village - Berhna, P.S. barh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-12-2021 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Barh

P.S. Case No. 108 of 2020 registered for the offence under

Sections 323, 307 and 353 of the Indian Penal Code and

Section 27 of the Arms Act.

The petitioner is alleged to have fired upon the

informant as a result of which he sustained injury on his

forehead.

Learned counsel appearing for the petitioner



submits that the petitioner is innocent and has falsely been implicated in this case. Although there is allegation of firing against the petitioner, resultantly, the informant sustained injury on his forehead but the injury report, which is at Annexure-2, suggests the nature of injury which is simple in nature caused by a hard and blunt substance. Therefore, no case under Section 307 of the Indian Penal Code is made out against the petitioner. The petitioner is rotting in judicial custody since 11.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner owns two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Barh, Patna in connection with Barh P.S. Case No. 108 of 2020 with the following conditions:-

(1) 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 on his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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