

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5167 of 2021**

Arising Out of PS. Case No.-55 Year-2020 Thana- BIKRAMGANJ District- Rohtas

Gulsan Kumar Son of Om Prakash Singh Resident of Village -
Chaturbhujibarao, P.S.- Piro, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 26-07-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through video
conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Sessions Trial no.
133/2020 (arising out of Bikramganj P.S. Case no. 55 of 2020)
registered under sections 302, 307, 147 and 393 of the Indian
Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, it is stated by the
informant who happens to be the truck driver that three accused
persons got on his truck and started indiscriminate firing leading
to the death of co-driver and he himself having sustained gun
shot injuries.

It is submitted by learned counsel for the petitioner



that the FIR was registered against three unknown. The name of the petitioner transpired in course of investigation. Referring to the alleged confessional statement of the petitioner made before police it is submitted that although not admissible, even if accepted for the sake of argument, the allegations of overt act therein are against the accused Deepak @ Mister @ Sahjad and one Mukesh Kumar. No overt act has been alleged against this petitioner. The petitioner has no criminal antecedent and is in custody since 14.2.2020. It is submitted that there is no chance of trial concluding in the near future.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation including the petitioner having remained in custody for over 1 year 4 months, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 133/2020 (arising out of Bikramganj P.S. Case no. 55 of 2020) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-IV, Rohtas at



Sasaram.

(Partha Sarthy, J)

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