

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11028 of 2022

Arising Out of PS. Case No.-629 Year-2019 Thana- MAHUA District- Vaishali

GUDDU KUMAR S/o Sri Ashok Singh R/o village- Chakaji Nizam, P.S.-
Mahua, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 19-12-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 394 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the three accused persons aged between 20-25 years are said to have stopped the informant and as a result of firing resorted to by them, the informant sustained firearm injury in his abdomen. The informant states that he has seen the accused persons in the headlight and can identify them on seeing them again.

It is submitted by learned counsel for the petitioner that the F.I.R. was registered against unknown. The petitioner was falsely implicated in course of investigation on the confessional statement of co-accused made before police. No



incriminating article has been recovered from the petitioner's possession. In spite of being in custody since 5.4.2021, he has not been put on T.I. parade and chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the material that has transpired in course of investigation and specially the fact that in spite of the informant claiming in the F.I.R. that he can identify the accused persons whom he had seen in the headlight of the truck, chargesheet has been submitted in the case without putting the petitioner on T.I. parade. The petitioner having remained in custody for 1 year 8 months since 5.4.2021, the Court directs the petitioner to be enlarged on bail in connection with Mahua P.S. Case no.629 of 2019 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 Judicial Magistrate 1st Class, Vaishali.

(Partha Sarthy, J)

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