

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13424 of 2022

Arising Out of PS. Case No.-95 Year-2021 Thana- PUNPUN District- Patna

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Gulshan Kumar @ Golu, S/o Sri Dinesh Singh @ Dinesh Kumar Singh, R/o
village- Lodipur, P.S.- Punpun, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-07-2022 Heard Mr. Vijay Kumar Sinha, learned counsel

appearing on behalf of the petitioner and Mr. Amitesh Kumar,

learned Additional Public Prosecutor for the state.

Application for grant of bail to the petitioner, who is
in custody in connection with Punpun P.S. Case No. 95 of 2021
registered for offences punishable under Sections 447, 341, 323,
326, 307, 504, 506/34 of Indian Penal Code and Section 27 of
Arms Act.

As per prosecution case, it is alleged that on
08.04.2021 while the co-accused Barun Kumar and this
petitioner were coming from a motorcycle, some altercation has
taken place with the son of the informant, whereupon the co-
accused Barun Kumar fired upon the informant, but the same hit
to his son in his eye. It is also alleged that this petitioner also



fired, but did not hit anyone.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. it is evident that the specific allegation has been leveled against co-accused Barun Kumar, who fired upon the informant, which hit on the eye of his son and due to that he received serious fire-arm injury. It is further submitted that from the place of occurrence only one bullet has been found, which suggest that no other firing has been made and the allegation of firing against this petitioner appears to be suspicious. It is also submitted that only because of the past criminal antecedent of the petitioner, his name has been implicated in this case. It is next submitted that the petitioner is in custody since 30.05.2021 and moreover, he is on bail in other cases.

On the other hand, learned counsel for the State vehemently opposes the bail application and submits that the petitioner is a habitual offender and there is allegation of firing against him.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is in custody since 30.05.2021 and moreover the investigation of the crime is already completed and the charge-



sheet has been submitted, inasmuch, even as per the F.I.R., the firing made by the petitioner did not hit any one, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Masaurhi in connection with Punpun P.S. Case No. 95 of 2021 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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