

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15516 of 2022**

Arising Out of PS. Case No.-223 Year-2021 Thana- TEGHRHA District- Begusarai

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GOPAL KUMAR @ GOLU S/o Ramlagan Singh R/o village- Vajalpur
(Vajalpura), P.S.- Teghra, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suneil Kumar Thakur, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Teghra
P.S. Case No. 223 of 2021 registered for the offence under
Sections 147, 149, 307, 504 and 506 of the Indian Penal Code
and under Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 29.10.2021.

The allegation against the petitioner is to assault upon
informant and his relatives by using firearms, causing injury,
with intention to cause death.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is not named in FIR, and basis of implication is previous enmities arises due to Teghra P.S. Case No. 224 of 2021 lodged by family members of petitioner. It is submitted that petitioner and informant, both are close door neighbours and it creates a doubt, as how petitioner was not named in FIR. It is also submitted that allegation of firing is general and omnibus against petitioner. It is also submitted that name of the petitioner surfaced during course of investigation, disclosed by the wife of the informant. It is further submitted that petitioner was never put on TIP. It is further pointed out that petitioner involved in two criminal cases in which he is on bail, moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as allegation as regard to firing is very much general and omnibus against petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Teghra P.S. Case No. 223 of 2021 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Begusarai/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Chhoti Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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