

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32727 of 2021

Arising Out of PS. Case No.-403 Year-2020 Thana- TEGHRHA District- Begusarai

Gulshan Kumar Son of Ramanand Singh Resident of Village - Malpur,
Satbhaiya Tol, P.S. - Dalsinghsarai, District - Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Teghra P.S.
Case No. 403 of 2020 registered for the offences punishable
under Sections 394 of the Indian Penal Code.

According to prosecution case, the informant stated
that when he has reached near Pithouli Dhala then all of sudden
one white colour Bolero pickup vehicle has over take to him and
for that reason the informant has slow down the speed of his
vehicle and four accused persons have come out from the



vehicle and all of them have stated to assault to the informant and Prakash Yadav and also dragged them from the vehicle. When the informant and Prakash yadav have protested them the accused persons have assaulted by way of knife and the informant has sustained cut injury and other accused person has assaulted by way of butt of pistol over the head of Prakash Yadav and he has also sustained injury.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case only on the basis of self confessional statement of the petitioner. He further submits that nothing has been recovered from conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. It is further submitted that similarly situated, co-accused, namely, Jitendra Kumar Rai and Mintu Rai @ Mintu Yadav have been granted bail by a co-ordinate Bench of this Court vide order dated 30.11.2021 passed in Cr. Misc. No. 31524 of 2021 and another co-accused namely Bindan Roy @ Bindan Kumar Roy and Govind Kumar Rai and Amit Kumar @ Chhotu Kumar @ Chhotua have been granted bail by a co-ordinate Bench of this Court vide orders dated 24.11.2021, 02.09.2021 and 21.01.2022 passed in Cr. Misc.



No.29891 of 2021, Cr. Misc. No. 33362 of 2021 and Cr. Misc. No. 44463 of 2021. The petitioner is in custody since 30.12.2020.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Begusarai in connection with Teghra P.S. Case No. 403 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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