

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39294 of 2021

Arising Out of PS. Case No.-212 Year-2019 Thana- KARPI District- Jehanabad

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1. GAUTAM KUMAR Son of Rama Singh Resident of Village- Sheonagar, P.S.- Arwal, District- Arwal.
 2. Gaurav Kumar Son of Ram Singh Resident of Village- Sheonagar, P.S.- Arwal, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate

For the Opposite Party/s : Mr. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioners and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner No.1, who is in custody since 06.11.2020
and petitioner No.2, who is in custody since 05.10.2020, seek
regular bail in connection with Karpi P.S. Case No. 212 of 2019
registered for offences punishable under Sections 307, 393, 324
of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case, in brief, is that while the informant
along with his friends was returning after watching drama, at



about 11:30 p.m., when they reached near turning of *Pathakchak*, three accused persons stopped their motorcycle and tried to snatch their motorcycle and when they opposed, one accused person opened fire on the informant, thereafter, he was taken to the Sadar Hospital, Arwal in injured condition and gave his statement before the police on the basis of which, *fard-e-beyan* dated 27.10.2019, Karpi P.S. Case 212 of 2019 was registered.

Learned counsel appearing on behalf of the petitioners submits that the informant has identified the petitioner no.1 Gautam Kumar, but there is no allegation of assault that he has used the fire-arm, which hit the arm of the informant for which he was treated, rather there is general and omnibus allegation against the petitioner no. 1 as well as petitioner no.2. Petitioners are innocent and they are in custody without any fault.

Learned A.P.P. has opposed the prayer for bail.

Considering the facts and circumstances of the case that the petitioner no.1 has been identified by the informant but there is no direct allegation against him of assault or firing on him and there is general and omnibus allegation against the petitioner no.2 as well as there is no allegation of tampering the evidence or influencing the witnesses and there is no likelihood



of trial being concluded soon, the petitioners above named are directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-III, Jehanabad in connection with Karpi P.S. Case No. 212 of 2019 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioners temper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Purnendu Singh, J)

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