

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35083 of 2022

Arising Out of PS. Case No.-45 Year-2018 Thana- BELCHHI District- Patna

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GUDDU SINGH ALIAS GUDDU KUMAR Son of Devniti Singh Resident
of Village - Ekdanga, P.s.- Belchi, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-09-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Manoj Kumar Pandey, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Belchi P. S. Case No. 45 of 2018
registered for the offences punishable under Sections 25 (1-b)a,
26 and 27 of the Arms Act.

The prosecution case is based on a written report
filed by the informant alleging therein that while the police
party was on patrolling duty received an information that the



petitioner along with one another co-accused person making open fire in order to create panic on the roof of the hospital, they rushed to the place of occurrence, however, on noticing the police party both of them succeeded in fleeing away.

Learned counsel appearing on behalf of the petitioner submitted that neither the petitioner was apprehended at the spot nor any incriminating material has been recovered from his person or possession and moreover, the F.I.R. has been instituted by the police personnel on the basis of the secret information without disclosing the source of such information. It is also submitted that in fact, only on account of the past criminal antecedent of the petitioner, his name has been implicated in this case, though, the petitioner has neither any concern with the alleged crime nor he was seen at the place of occurrence by any independent witness. It is further submitted that co-accused Bittu Singh against whom, there was identical allegation has already been granted bail by learned court below itself on 17.03.2019 and so far the petitioner is concerned, he is in custody since 24.01.2022.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on



behalf of the parties and taking into account the nature of allegation and the fact that the other co-accused person, having identical allegation, has already been granted bail by the learned court below itself, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Barh, Patna in connection with Belchi P. S. Case No. 45 of 2018, 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 step for cancelling 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.

(Harish Kumar, J)

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