

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36602 of 2022

Arising Out of PS. Case No.-135 Year-2020 Thana- KASIMBAZAR District- Munger

Gulshan Yadav @ Gulsan Yadav, Son of Pramod Yadav, R/O- Village-
Sandalpur, P.S.- Kasim Bazar Dist-Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
For the informant	:	Mr. Jyoti Ranjan Jha, Advocate
For the State	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-09-2022 Heard Mr. Krishna Prasad Singh, learned Senior

Counsel for the petitioner, Mr. Ram Priya Sharan Singh, learned

APP for the State as also Mr. Jyoti Ranjan Jha, learned counsel

who represents the informant.

Let the defect(s) be removed within four weeks of the

complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection

with Kasim Bazar P.S. Case No.135 of 2020 instituted under

Sections 147,148,149,452,307,504,506 of the Indian Penal Code

and Section 27 of the Arms Act.

The allegation in the FIR is that the named accused

including the petitioner herein abused the informant's husband

and son and thereafter this petitioner opened fire causing injury

on the hand of the informant's son. As the villagers assembled,

they fled away.



Learned Senior Counsel for the petitioner submits that petitioner is an Army man and he was visiting his village during leave where the informant and his family members implicated him and specifically assigned role for which he has already suffered by being in custody since 04.04.2022. He further submits that the petitioner is ready to abide by all the terms and conditions, if granted the privilege of bail.

Learned counsel for the informant on the other hand submits that the petitioner opened fire causing injury on the hand of the son of the informant and as such he does not deserve bail.

Taking into account the fact that the petitioner is an Army man, is in custody since 04.04.2022, charge-sheet stands submitted and ultimately he has to face the Trial, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Kasim Bazar P.S. Case No.135 of 2020 to the satisfaction of learned Chief Judicial Magistrate, Munger, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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