

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58891 of 2021

Arising Out of PS. Case No.-133 Year-2021 Thana- CHAINPUR District- Kaimur (Bhabua)

GYANI KUMAR SINGH Son of Lalji Singh Resident of Village - Merh, P.S.
- Chainpur, District - Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Bihari Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 307 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 10.07.2021, charge-sheet has been submitted in the case and has antecedent of one case.

Learned counsel for the petitioner submits that the informant alleges that while her husband was on his way to home, two unknown criminals shot him on account of which he sustained injury on his head. It is also alleged that the accused who had committed the occurrence had their faces covered with mask and as such could not be identified.



Learned counsel for the petitioner submits that the informant is not an eye-witness to the occurrence but has given a very vivid description of the occurrence by alleging that the accused who had committed the occurrence were masked and as such they could not be identified. The learned counsel further submits that the informant had not disclosed her source of information based on which she had instituted the present F.I.R. but during the course of investigation the injured stated before the police that this petitioner had held his hand while accused Bhupendra Singh shot him. It is submitted that it absolutely does not stand to reason that as to how the injured identified the accused when the informant in the F.I.R. had alleged that the accused were masked and thus were not identified. Learned counsel for the petitioner submits that as far as this petitioner is concerned, even presuming what is alleged against him is true, without accepting the same for the purposes of bail, then allegation against him is that he has held the hand of the injured/victim and the allegation of firing is against another accused as aforesaid.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for bail of the petitioner but the learned counsel for the informant is not in a position to meet the



submission of the learned counsel for the petitioner that how the informant, despite not being an eyewitness to the occurrence, has given such vivid description of the occurrence.

Considering the fact that the petitioner is in custody since 10.07.2021, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chainpur P.S. Case No. 133 of 2021.

(Satyavrat Verma, J)

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