

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48317 of 2022

Arising Out of PS. Case No.-313 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

GAURAV KUMAR S/O PRAMOD SINGH Resident of village- Ratanpur,
Ward No- 20, P.S.- Town (Ratanpur O.P), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Begusarai Town (Ratanpur O.P.) P.S. Case No. 313 of 2022 registered for the offences punishable under Sections 341, 387, 307, 504, 506 and 34 of the IPC and Section 27 of the Arms Act.

As per prosecution case, there is allegation against the petitioner and others for making firing of 10-12 round with intention to kill the informant.

Learned counsel for the petitioner submits that petitioner is in custody since 15.06.2022 and bears one criminal antecedent which is not similar to the present case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits



that petitioner is the neighbour of the informant and there is case and counter case between both the parties. He further submits that allegation of firing is general and omnibus as per FIR petitioner is the member of mob and from the perusal of the FIR it appears that no one sustained injury. He further submits that it is highly improbable that after making firing of 10-12 round no one sustained injury which itself falsifies the case of the prosecution.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town (Ratanpur O.P.) P.S. Case No. 313 of 2022, subject to following conditions:-

- (i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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