

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53178 of 2022

Arising Out of PS. Case No.-223 Year-2022 Thana- BARHARA District- Bhojpur

Gama Singh @ Gajendra Singh, Son Of Late Arjun Singh, R/O Village-
Nathmalpur, P.S.- Barahara, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Amarendra Kumar, Advocate
For the State	:	Mr.Ram Naresh Ray, APP
For the Informant	:	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-12-2022 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and the
learned APP for the State as well as the learned counsel for the
informant.

The petitioner seeks bail in connection with Barahara
P.S. Case No.223 of 2022 registered for the offence punishable
under Sections 147, 148, 149, 307, 302, 326 of the Indian Penal
Code and Section 27 of the Arms Act.

There is an allegation that total 11 accused persons,
including the petitioner, have come with common intention,
whereafter co-accused Arvind Singh has fired upon Bhawani
Bin. His indiscriminate firing has also led to a gun-shot injury



on the stomach of one Khedan Bin.

Counsel for the petitioner counsel submits that from the allegation in the FIR it is apparent that firing is attributed only against co-accused Arvind Singh son of Jitu Singh. The petitioner along with others have been implicated on the basis of local village politics and extraneous considerations. The petitioner has three antecedents, as per disclosure made in paragraph 3 of the bail application. The petitioner is stated to be in custody since 05.05.2022.

Learned APP for the State and the learned counsel for the informant have opposed the prayer for bail. It is submitted that common intention is apparent from narration of the events.

Considering the rival submissions, the fact that firing is attributed only against co-accused Arvind Singh and the period of custody, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur Ara, in connection with Barahara P.S. Case No.223 of 2022, subject to the following



conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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