

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2416 of 2023

Arising Out of PS. Case No.-398 Year-2022 Thana- SHASTRINAGAR District- Patna

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GOPAL KR. @ GOPAL KUMAR Son of Ram Sagar Singh Resident of
Village - Laxmipur, P.S.- Barhiya, District - Lakhisarai, At present residing at
- Asharam Gali, Inside Play House at the R/o Mani Pandey, P.S.- Shastri
Nagar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Adv.

For the Opposite Party/s : Mr.Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 30-08-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Shastri Nagar P.S. Case No. 398 of 2022 registered for the

offence under Sections 326 and 307 of the Indian Penal Code

and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

The petitioner is alleged to have shot fire upon the

informant causing her bullet injury on her shoulder and

apprehended having unlawful possession of one country

made pistol.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is

innocent and has falsely been implicated in this case. He



further submits that it appears from the F.I.R. and the seizure list that one country made pistol has been recovered from the conscious possession of the petitioner. He further contends that according to the F.I.R., the informant sustained injury upon her shoulder inflicted by the petitioner but the injury report suggest that she has got only one injury and no repetition of firearm injury was found on the person of victim, therefore, there is no intention to kill the informant. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 25.07.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Sub Judge-X -cum- Additional Chief Judicial Magistrate-IV, Patna in connection Shastri Nagar P.S. Case No. 398 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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