

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25539 of 2023

Arising Out of PS. Case No.-70 Year-2022 Thana- CHACKMEHSI District- Samastipur

Gulab Kumar Son Of Raju Ray @ Raja Ram Ray R/O Bhathi Chowk, P.S.-
Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Chakmehsi P.S. Case No. 70 of 2022 dated 28.04.2022, instituted for the offence punishable under Sections 302, 34 of the Indian Penal Code and Section 25(1-b)a, 26, 27, 35 of the Arms Act.

3. The prosecution case, in short, is that during a marriage ceremony, due to dispute over dancing on D.J., the petitioner Gulab Kumar along with co-accused Kunal Kumar caught hold of the informant's nephew Pritam Bhardwaj and co-accused Mohan Rai fired pistol shots at the informant's nephew and subsequently, he died on way. Mohan Rai was apprehended at the spot and pistol was seized from him. The informant's saw the petitioner and co-accused Kunal fleeing away on their motorcycle.



It has also been alleged that petitioner along with co-accused was in drunken condition.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that the specific allegation of firing is against co-accused Mohan Rai. Learned counsel for the petitioner submits that the informant claims to be the eye-witness of the occurrence and occurrence had been taken place while the dance programme was going on in a marriage ceremony wherein the three accused persons were dancing and the deceased was also dancing there. Learned counsel for the petitioner submits that the petitioner has not been apprehended at the spot. Lastly, it has been submitted that the petitioner is in custody since 30.01.2023 having one criminal antecedents. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Samastipur, in Chakmehsi P.S. Case No. 70 of



2022, subject to the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

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