

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37837 of 2023

Arising Out of PS. Case No.-512 Year-2020 Thana- GOPALGANJ TOWN District- Gopal-
ganj

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Pappu Kushwaha, aged about 30 years, Male, S/o Vijay Kushwaha @ Vijay
Kumar Kushwaha, R/o Vill. Niranjana, P.S.-Yadopur, Dist.-Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Harendra Prasad, Advocate

For the Opposite Party : Mr. Anil Kumar Singh No. 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Gopal-
ganj Nagar P.S. Case No. 512 of 2020, Tr. No. 645 of 2022
dated 06.09.2020, instituted for the offence punishable under
Sections 307, 120(b) & 34 of the Indian Penal Code read with
Section 27 of the Arms Act.

3. The prosecution case, in short, is that on
03.09.2020, at about 07:30 am, accused, namely, Ampu Singh
came at the door of informant's house and fired gun-shots which
cause several injuries. Further, the informant came to know that
the petitioner along with other co-accused persons have con-
spired together to kill the informant.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the specific allegation to shot fire upon the informant is against the co-accused, namely, Ampu Singh and the allegation against the petitioner for making plan to kill the informant is false and fabricated. Lastly, it has been submitted that the petitioner is in custody since 28.09.2020 charge-sheet has been submitted in the case and he has 12 criminal cases against him.

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 J.M. 1st Class, Gopalganj in Gopalganj Nagar P.S. Case No. 512 of 2020, Tr. No. 645 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)

Gaurav Kumar/-

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