

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51050 of 2023

Arising Out of PS. Case No.-261 Year-2022 Thana- BARHIYA District- Lakhisarai

Gulshan Kumar @ Gulo Son of Late Kedar Singh Resident of Village -
Indupur, P.S. - Barahiya, District - Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 17-08-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

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

3. The petitioner has preferred this application for
grant of regular bail in connection with Barahiya P.S. Case No.
261 of 2022 dated 24.11.2022 registered for the offence
punishable u/s 302/120 (B)/34, 506/ 379 of the Indian Penal
Code.

4. As per the prosecution case, the petitioner and the
co-accused persons along with two unknown persons are alleged
to have encircled the informant and his brother. The co-accused



Pankaj Singh pointed pistol and exhorted to kill, then the petitioner and the co-accused Santosh Kumar started assaulting the informant's brother with iron rod causing cut injury on his head. Thereafter, all the accused persons started assaulting him with *lathi*, *danda*, iron rod, fists and legs and the co-accused Pankaj Singh snatched Rs. 28,000 from the pocket of Sunil Singh. Thereafter, the informant's brother died during the course of treatment.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. Nothing has been recovered from the conscious possession of the petitioner. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this Court vide order dated 24.06.2023 passed in Cr. Misc. No. 33789 of 2023. The petitioner has three other criminal cases as stated in para 3 of the bail petition. The petitioner is in custody since 05.04.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-



named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Lakhisarai, in connection with Barahiya P.S. Case No. 261 of 2022.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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