

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55019 of 2023

Arising Out of PS. Case No.-264 Year-2023 Thana- ARA NAWADA District- Bhojpur

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GULSHAN KUMAR S/O LATE MUKESH PASWAN R/O VILLAGE-
BAHIRO, P.S- ARA NAWADA, DISTT.- BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2023 Heard the parties.

The petitioner is an accused in connection with S.Tr. No. 398 of 2023 arising out of Ara Nawada P.S. Case No. 264 of 2023 registered for the offences under sections 341, 323, 504, 386, 307, 427 and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 21.04.2023 by the informant, Vishal Kumar.

As per the prosecution story, the accused persons barged into the petrol pump with pistols and started beating the staff. When he ran to safety and entered the shop of the informant, thereto they came and allegation is of opening fire which broke the glass of the informant's shop. Further, they threatened the shopkeeper to delete the pictures that has been captured in the CCTV. Accordingly, the FIR.



It is the case of the petitioner that he is only 20 years of age, student, and nothing to do with the occurrence, do not have criminal antecedent, is in custody since 21.04.2023 (as stated in paragraph 14 of the bail application) and further no specific role has been attributed to him.

Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that not only the accused persons tried to beat the petrol pump employee, when he ran to safety, they followed and opened fire in the shop causing damage to the said shop.

Taking into account the submissions put forward by the parties, he is a student, is in custody since 21.04.2023 and no specific role has been attributed to him, this Court is inclined to extend him privilege of bail subject to the payment of Rs.



10,000/- as undertaken by the learned Counsel for the petitioner.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned A.D.J. VIII, Bhojpur at Ara in connection with S.Tr. No. 398 of 2023 arising out of Ara Nawada P.S. Case No. 264 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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