

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56255 of 2023

Arising Out of PS. Case No.-325 Year-2022 Thana- SAHPUR District- Bhojpur

1. SANJAY GUPTA Son of Late Ram Nath Gupta Resident of Village and Police Station-Shahpur, District-Bhojpur.
2. AJAY GUPTA Son of Late Ram Nath Gupta Resident of Village-Shahpur, Police Station-Shahpur, District-Bhojpur.
3. GULSHAN KUMAR GUPTA @ GULSHAN GUPTA Son of Late Jyoti Gupta Resident of Village-Shahpur, Police Station-Shahpur, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Dharendra Pratap Singh, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Shahpur P.S. Case No. 325 of 2022 for the offence punishable under Sections 147, 148, 149, 447, 307, 504, 506 of the Indian Penal Code and section 27 Arms Act lodged on 8.9.2022 by the informant, Kapil Prasad.

As per the prosecution story, there is enmity between the parties and in continuation that the accused barged into the house and resorted to firing. The allegation against Krishna Kumar Gupta is of causing injury on his head whereas the petitioner no.3 has been alleged to have opened fire causing



injury in his neck. Accordingly, the FIR.

Learned counsel for the petitioners has taken this Court to the injury report (Annexure-2 to the petition) to show that no fire-arm injury has been found on the person of the informant. His further submits that omnibus allegation of assault is on petitioner nos. 1 and 2 and most of the accused persons have been granted bail which included Rishabh Kumar, Vishal Gupta and Nikki Singh.

The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 10,000/- each to the informant through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

Learned APP opposes the prayer stating that all the three petitioners have criminal antecedents and the allegation of assault to the informant is/are there.

Considering the aforesaid submission put forward by the learned counsel for the petitioners as also the fact that the injury report does not support the prosecution story inasmuch as , the fire-arm injury has not been found in the injury report,



the petitioners are in custody since 27.3.2023 (para-17 of the petition), this Court is inclined to extend them the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant after checking credentials.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M.-1st, Bhojpur at Ara, in connection with Shahpur P.S. Case No. 325 of 2022 subject to the following conditions:

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

(ii) the petitioners 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 their bail bond by the Trial Court itself;

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

(iv) the petitioners 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 the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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