

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71250 of 2023

Arising Out of PS. Case No.-612 Year-2022 Thana- GOPALPUR District- Bhagalpur

GULSHAN KUMAR Son of Late Subodh Yadav Village - Gosaigaon, Police
Station-Gopalpur, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 498 of 2023 arising out of Gopalpur P.S. Case No. 612 of 2022 dated 02.12.2022 registered for the offence punishable under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, mother of the informant was shot at by the petitioner who was taken to the hospital and during the course of treatment she died. The occurrence took place in the background of some earlier dispute in which one Natwar Yadav was murdered and the mother of the informant was said to be one of the



conspirators.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner has been made accused as he is nephew of the deceased Natwar Yadav. There is no eye witness of the occurrence except the informant. Learned counsel further submits that after submission of charge sheet, charges have been framed on 23rd of June, 2023 and out of seven charge sheet witnesses, only three witnesses have been examined till date. The petitioner has got no criminal history and he is in custody since 10th of December, 2022.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that there is direct and specific allegation against this petitioner for firing upon the mother of the informant who later on lost her life due to this injury.

6. In view of direct allegation against the petitioner for shooting at the mother of the informant and her subsequent death, I am not inclined to enlarge the petitioner on bail.



7. Accordingly, the prayer for bail of the petitioner stands rejected.

8. The learned trial court is directed to expedite the trial and conclude the same within a period of nine months.

(Arun Kumar Jha, J)

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