

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15062 of 2024

Arising Out of PS. Case No.-205 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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GULSHAN KUMAR S/O RAM JATAN PASWAN R/O VILLAGE-
VIKRAMPUR, P.S- CHERIA BARIARPUR, DISTT.- BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Mirityunjay Kumar, Advocate
For the Opposite Party/s :	Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-05-2024 Heard Mr. Mrityunjay Kumar, learned counsel for
the petitioner and Mr. Shailendra Kumar, learned APP.

2. The petitioner is in judicial custody in connection with Cheria Bariyapur P.S. Case No. 205 of 2022 for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the I.P.C. and section 27 of the Arms Act lodged on 11.8.2022 by the informant, Ritesh Kumar.

3. As per the prosecution story, when the informant's father and cousin brother were returning from field, these accused persons including the petitioner surrounded them and after abusing, at the instance of Golu Kumar, this petitioner opened fire causing serious injury. The allegation against other accused persons is also of opening fire.



4. In that background, earlier the Cr. Misc. No. 51993 of 2023 was rejected on 17.08.2023 and it was observed that he is not entitled to privilege of bail till the framing of charge.

5. Now, a fresh bail application has been filed and Annexure-P/3 has been annexed showing that subsequently, charges were framed in the month of June, 2023 itself.

6. Learned counsel for the petitioner submits that he has already suffered by being in custody since 23.03.2023 (as stated in paragraph 12 of the petition) and is ready to co-operate in the trial.

7. Learned APP opposes the prayer for bail stating that he opened fire causing injury into the abdomen.

8. Though the injury is there, the petitioner is in custody since 23.03.2023, the charges have been framed, he do not have criminal antecedent and is diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner 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 Additional and District Judge Manjhaul, Begusarai or successor Court, in connection with Cheria Bariyapur P.S. Case No. 205 of 2022



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/her 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 six months to mark his 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 the 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 his bail bonds.

(Rajiv Roy, J)

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