

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21097 of 2024

Arising Out of PS. Case No.-238 Year-2022 Thana- ALOULI District- Khagaria

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Gulsan Kumar S/o Shashi Nath Yadav @ Bathu Yadav R/o vill - Machhra,
P.s .- Alauli, Distt. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Budhilal Yadav, Advocate
For the State	:	Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2024 Heard Mr. Budhilal Yadav, learned counsel for the

petitioner and Mr. Binod Kumar, learned A.P.P. appearing on

behalf of the State.

2. The petitioner seeks bail in connection with Alauli
P.S. Case No. 238 of 2022, FIR dated 06.06.2022 registered for
the offence under Sections 302, 307/34 of the Indian Penal Code
and Section 27 of the Arms Act.

3. The petitioner along with others is alleged to have
short fired upon the son of the informant, namely, Raj Kumar @
Deepak due to which he died.

4. Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He further
submits that merely on the basis of the suspicion the petitioner
has been made accused in the present case. He further submits



that there is no eye witness of the alleged occurrence and as per the FIR all the accused persons including the petitioner have short fired upon the deceased. He further submits that the post-mortem report of the deceased does not support the allegation as alleged in the FIR. He further submits that Anmol Kumar @ Anmol Yadav has been granted bail by this Court vide order dated 25.09.2023 passed in Cr. Misc. No. 56348 of 2023, co-accused person, namely, Shashi Bhushan Kumar @ Golu has been granted bail by a Co-ordinate Bench of this Court vide order dated 27.04.2023 passed in Cr. Misc. No. 72482 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 12.12.2023.

5. Learned A.P.P. for the State opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge, VI, Khagaria in connection with Alauli P.S. Case No. 238 of 2022 with the following conditions:-



(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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