

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26009 of 2024

Arising Out of PS. Case No.-119 Year-2023 Thana- PUNPUN District- Patna

Gulshan Kumar S/o Dinesh Kumar Singh, R/o Village - Lodipur, P.S. -
Punpun, Distt. - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Deovind Kumar Singh, Advocate
For the Opposite Party : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-08-2024 Heard Mr. Deovind Kumar Singh, the learned
counsel for the petitioner and Ms. Renu Kumari, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
04.01.2024, in connection with Punpun P.S. Case No. 119 of
2023, FIR dated 13.04.2023, registered for the offences
punishable under Sections 341, 323, 504 and 506 read with
Section 34 of the Indian Penal Code and under Section 27 of the
Arms Act.

3. Earlier the petitioner has moved before this
Hon'ble Court in Cr. Misc. No. 60251 of 2023, which was
dismissed as withdrawn on 06.12.2023.

4. According to the prosecution case, the co-villagers
of the informant namely, Dinesh Singh and his wife used to
torture the informant. It is further alleged that on 13.04.2023,



while the informant was purchasing some articles, the co-accused Manju Devi started abusing the informant and upon informant's protest, she threatened to kill him. It is further alleged that the co-accused Manju Devi along with the petitioner came at informant's house and forcibly tried to drag him outside.

5. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that as per allegation in the FIR, the petitioner has opened fire upon the informant, however, the bullet could not hit the informant, instead, the bullet hit one co-villager namely, Krishna Ram. He further submits that upon perusal of the FIR, it appears that there was no intention to kill and the co-villager Krishna Ram got injured by mistake. He further submits that, in fact, the petitioner was in love with the daughter of the informant and due to this reason some altercation took place and that is the basis of the present occurrence. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 04.01.2024.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for



bail of the petitioner and submits that there is direct and specific allegation against the petitioner. Apart from that, petitioner carries criminal antecedents other than the present one, however, he fairly admits on the basis of paragraph no. 3 of the bail petition that out of six cases, petitioner is on bail in five cases.

7. Considering the aforesaid facts and circumstances, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Masaurdhi, in connection with **Punpun P.S. Case No. 119 of 2023**, subject to the following conditions:

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

(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.

(iii). And further condition that the learned trial



Court 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 learned trial Court 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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