

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55673 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- GAURICHAK District- Patna

Kaushal Kumar S/o Vinay Ram R/o Gopal Tola, P.S. - Gaurichak, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajanan Mishra, Advocate
For the State : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 25-09-2024 Heard the parties.

2. The petitioner is in custody in connection with Gaurichak P.S. Case No. 37 of 2024 for the offence punishable under sections 302 and 34 of the Indian Penal Code lodged on 16.01.2024 by the informant, Devbrat Mahto.

2. As per the prosecution story, there was a tilak ceremony in the house of Rohit Kumar where the brother of the informant had gone to cook food. He remained in the house through out the day and later it came to knowledge that during the tilak ceremony, Vikash Kumar and this petitioner started firing one of which hit the stomach of the informant's brother, taken to Nalanda Medical College and Hospital, where he breathe his last. Accordingly, the F.I.R.

3. Learned counsel for the petitioner submits that in



the ceremony lots of people were there, though, shots were fired at, only on suspicion, this petitioner has been picked up alongwith Vikash Kumar who has been named. Due to the said incident/accident, he has already suffered by being in custody since 18.01.2024 (paragraph no.12 of the petition) and he is a student.

4. Learned APP opposes the prayer submitting that both Vikash Kumar and this petitioner opened fire which hit the stomach of the deceased.

5. It is unfortunate that despite newspaper reporting every day about the ceremonial firing causing death, the accused persons are continuing with said adventure and in the process, innocent's life has been taken away.

6. However, in the present case, the petitioner has remained in custody since 18.01.2024, charge sheet already submitted, he do not have criminal antecedent and is 22 years of age, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VI, Patna City, in connection with Gaurichak P.S. Case No. 37 of 2024, subject to the following



conditions:

(i) one of the bailor should be the family member/relative 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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