

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74071 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- BALIA BELON District- Katihar

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GULUMBAR @ GULAMBAR SON OF ABDUL JALIL RESIDENT OF
VILLAGE- SIHRAUL, PS- BALIA BELON, DISTT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Harish Chandra Patel, Adv.
For the Informant	:	Mr. Sanjay Kumar Sinha, Adv.
For the Opposite Party/s	:	Mr.Arun Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 28-06-2024 Heard learned counsel for the petitioner and learned

counsel for the Informant as well as learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Balia Belone P.S. Case No. 28 of 2023 dated
25.02.2023 registered for the offence/s punishable u/ss 307, 302,
120B read with section 34 of the Indian Penal Code and section
27 of the Arms Act.

3. As per the prosecution case, the petitioner and the
co-accused persons along with unknown miscreants are alleged
to have fired on the informant's brother who died on the spot.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in



this case. The petitioner is not named in the FIR. The name of the petitioner has sprung up merely on suspicion. There is no specific allegation of firing against the petitioner. Nothing has been recovered from the conscious possession of the petitioner. Similarly situated co-accused has already been granted anticipatory bail by the Hon'ble Supreme Court of India *vide* order dated 14.05.2024 passed in Petition(s) for Special Leave to Appeal (crl.) No (s). 3798 of 2024. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner and stated that the C.D.R. and Tower Location shows the involvement of the petitioner in the alleged crime. It is further stated that the petitioner was seen with the shooter at the time of the alleged incident.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Katihar in



connection with Balia Belon P.S. Case No. 28 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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