

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79485 of 2023

Arising Out of PS. Case No.-153 Year-2021 Thana- GAYA KOTWALI District- Gaya

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BABLU MODI @ SUNIL KUMAR S/O GANAURI LAL @ GANAURI
MODI @ GANURI LAL R/O VILLAGE- PAURA P.S.- KADIRGANJ,
DISTRICT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Syed Mojibur Rahman

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 10-05-2024 Heard learned counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Kotwali P.S. Case No. 153 of 2021 registered for the

offences under Sections 307, 120-B and 34 of the

Indian Penal Code and Section 27 of the Arms Act.

3. The petitioner is named in the F.I.R. and is

in custody since 22.08.2023, where petitioner was on

provisional bail from 07.02.2024 to 07.03.2024 on the

ground of death of his mother.



4. The allegation against the petitioner is that he alongwith co-accused person opened indiscriminate firing on the informant causing gunshot injuries on chest and thigh of informant. One Niranjana Kumar also sustained gunshot injuries on his right hand, occurrence is alleged to arise out of land dispute.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated with the present case. It is also submitted that allegation of firing is appearing very much general and omnibus against the petitioner. It is further submitted that similarly situated co-accused persons namely Bipin Yadav and Anirudh Yadav have already granted bail by learned Co-ordinate Bench of this Court through Cr. Misc. No. 7994 of 2024 vide order dated 17.02.2024. While concluding the argument it is submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and as petitioner remain in custody for about seven months, coupled with fact charge-sheet has already submitted in background of general and omnibus allegation of firing, accordingly, petitioner, above named, is directed to be released on bail in connection with Kotwali P.S. Case No. 153 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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