

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81490 of 2024

Arising Out of PS. Case No.-189 Year-2024 Thana- PHULPARAS District- Madhubani

Gautam Kumar Tiwari @ Gautam Kumar Tiwary S/o Sri Radheshyam Tiwari
R/o vill - Phulparas, P.S. - Phulparas, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 03-12-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Phulparas P.S. Case No. 189 of 2024, instituted for the offences punishable under Sections 341, 323, 307, 504, 506, 379, 354(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that, the petitioner fired upon the informant which hit him on his thigh and he sustained injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case under Sections 341, 324, 307, 504, 506, 379, 354(B)/34 of the Indian



Penal Code and Section 27 of the Arms Act. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that there is delay of four days in lodging the FIR. On perusal of the injury report it transpires that there is no bony injury on the person of the informant. It is further submitted that both the parties have settled the matter amicably outside the Court. The petitioner is in custody since 18.06.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Phulparas P.S. Case No. 189 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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