

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85284 of 2024

Arising Out of PS. Case No.-9 Year-2021 Thana- SULTANGANJ District- Patna

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Gulshan Dom @ Gulshan Ram @ Gulshan Kumar S/O Parmeshwar Ram @
Parmeshwar Dom Resident of Musallahpur Hat, P.S- Sultanganj, District-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nagendra Kumar, Adv.

For the Opposite Party/s : Mr.Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Sultanganj P.S. Case No. 9 of 2021 registered for the offences
punishable under Sections 147, 148, 149, 341, 325, 302 of the
Indian Penal Code.

3. As per prosecution case, petitioner and others
crushed the forehead of informant's husband with stone and
during the course of treatment he died.

4. Learned counsel for the petitioner submits that
petitioner has been made accused on account of old enmity.
There is no eye witness to the alleged occurrence. The
allegations levelled in the first information report are general



and omnibus in nature. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel submits that in the impugned order itself it is mentioned that charge-sheet has already been submitted in this case, and as such, there is no likelihood of tampering with the evidence. Co-accused Bhola Ram has already been granted bail by this Court in Cr. Misc. No. 43198 of 2022 and the case of the present petitioner is identical and same and on the principle of parity petitioner deserves the same treatment. Petitioner is in custody since 25.07.2021. Petitioner bears criminal antecedent of one case in which he is on bail.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and the co-accused has been granted bail by this Court, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Patna City, Patna in



connection with Sultanganj P.S. Case No. 9 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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