

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.26874 of 2025**

Arising Out of PS. Case No.-744 Year-2024 Thana- GOPALGANJ TOWN District-  
Gopalganj

Shambhu Singh S/o Baliram Singh @ Baliram R/o Village- Balahata, P.S.-  
Uchkagaon, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Raghav Prasad, Advocate  
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP  
For the Injured Victim : Mr. Shashank Shekhar

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

ORAL ORDER

5      11-08-2025                      Heard learned counsel for the petitioner, learned  
APP for the State, learned counsel for the injured victim and  
perused the case diary.

2. The petitioner seeks bail in connection with  
Gopalganj P.S. Case No. 744 of 2024, instituted for the offences  
punishable under Sections 118(2), 109, 118(1), 61(2), 3(5) of the  
Bharatiya Nyaya Sanhita, 2023 read with Sections 25(1-B)(a),  
26, 27 and 35 of the Arms Act.

3. The prosecution case, in short, is that some  
assailants surrounded the prisoner Vishal Singh and fired upon  
him. It is further alleged that in course of firing, the injured,  
namely, Gulab Hussain was also shot by the miscreants.



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. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner was not present at the place of occurrence. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused, namely, Suresh Kumar and the same has got no evidentiary value. No specific allegation has been attributed against the petitioner rather the same is general and omnibus in nature. It is further submitted that specific allegation of firing is against co-accused, namely, Suresh Kumar and one country made pistol along with eight live cartridges have been recovered from his possession. The petitioner is in custody since 25.10.2024 and has got fifteen criminal antecedents in which he has been acquitted in ten cases and is on bail in five cases.

5. Learned APP for the State and learned counsel for the injured victim have 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 *after framing of charge, if not already framed* on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gopalganj P.S. Case No. 744 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.

(III) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioner.

(IV) The petitioner will not leave the territorial jurisdiction of the Court below without its prior permission for the same.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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