

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.31642 of 2025

Arising Out of PS. Case No.-79 Year-2024 Thana- PIPRIYA District- Lakhisarai

Gulshan Kumar @ Gulba S/o Late Ranajit Mahto @ Ranajit Mahato R/o
Village- Ram Chandrapur Ward No. 3, P.S.- Pipariya, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Ray

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 22-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Pipariya P.S. Case No. 79 of 2024, registered for the offences punishable under Sections 191(2), 126(2), 115, 109(i) of BNS, 2023 and Section 25(1-B)a, 26, 35, 27 of the Arms Act.

3. Allegedly while the informant along with his friends were playing Ludo on their mobile, in the meanwhile, FIR named accused persons, including the petitioner, came there and started abusing and made indiscriminate firing. It is further alleged that in the said occurrence, one of the bullet crossed by



the side of the head of the informant ,in the meanwhile, when the mother of the informant came to his rescue and on being found that co-accused Prem Kumar was engaged in firing, she caught hold him. The uncle and cousin of the informant came at their roof and started pelting stones over the accused persons, whereupon they fled away. The informant and others, when went to the house of Prem Kumar, the accused persons started abusing and threatening them.

4. Learned Advocate for the petitioner taking this Court through the FIR contended that the entire allegation revolves around co-accused Prem Kumar , as he was the person who engaged in firing and the mother of the informant caught hold him. It has not been disclosed that who has fired upon the informant. The FIR and the impugned order clearly suggest that the mother of the informant has not sustained any injury. In fact there is case and counter case; and the present is a counter blast to Pipariya P.S. Case No. 78 of 2024 instituted by co-accused Prem Kumar. In the said occurrence, co-accused Prem Kumar had also sustained bullet injury in his abdomen. Only on account of the fact that the petitioner being present there with other persons, his name has been implicated in this case without there being any allegation of overt act. The petitioner bears fair



antecedent and undertakes that he will fully cooperate in the investigation and the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that there is specific allegation that the petitioner along with others were engaged in making indiscriminate firing leading to injury to the informant.

6. Considering the submissions advanced by the learned Advocate for the petitioner and taking note of the omnibus allegation, coupled with the absence of any discussion of the injuries in the impugned order as also the fair antecedent of the petitioner as well as the factum of case and counter case, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Lakhisarai or the successor court in connection with Pipariya P.S. Case No. 79 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further conditions:



- (i) that one of the bailors shall be the own/close family members of the petitioner and;
- (ii) in case the petitioner shall be found indulged in intimidating and threatening the witnesses/informant, he shall be at liberty to file an application for cancellation of his bail bonds.

(Harish Kumar, J)

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