

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89398 of 2024

Arising Out of PS. Case No.-491 Year-2024 Thana- RAJAOLI District- Nawada

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Gulshan Kumar S/O Sudhir Sao @ Sudhir Kumar Resident of village -
Bijban, P.S.- Rajauli, District Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Adv.

For the Opposite Party/s : Mrs. Sharda Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Rajauli P.S. Case No. 491 of 2024 dated 15.10.2024 registered for the offences punishable u/ss 191(2), 191(3), 126(2), 115(2), 109, 303(2), 324(4), 352, 351(3) of the Bhartiya Nyay Sanhita, 2023.

3. As per the prosecution case, when the informant was going from Fatehpur Market to his house on his motorcycle and reached near Bijvan More then the co-accused, Raja Kumar along with other eight to ten friends armed with iron rod and stick intercepted the informant and subjected him to assault due to which he sustained injury on his head. Thereafter, the



informant's brother came to rescue him, he was also assaulted by the accused persons.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in this case during the course of investigation. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel has further submitted that the petitioner was only the member of unlawful assembly and no specific overt act has been alleged against the petitioner. As per the injury report mentioned in the impugned order, the injury of injured Hariom Kumar is simple in nature and the injury of Deepak Kumar is found grievous in nature. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 17.10.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned Court concerned, Nawada in connection with Rajauli P.S. Case No. 491 of 2024 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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