

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89534 of 2024

Arising Out of PS. Case No.-146 Year-2023 Thana- PARBATTa District- Khagaria

Gulshan Kumar @ Ghulcha @ Anshu Kumar Son of Foko Singh @ Pankaj
Singh R/O- Srirampur Thuthi, PS- Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner seeks bail in connection with Parbatta P.S. Case No. 146 of 2023, registered on 04.04.2023 for the offences under Sections 341, 324, 342, 323, 307, 386, 387 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, while the sons of the informant were returning home from their agricultural field with thrashed crop on a tractor, the petitioner and other co-accused persons, who were variously armed, stopped the tractor and demanded Rs. 50,000/- as extortion money. When refused by the sons of the informant, they started unloading the crop from the tractor and when opposed by the sons of the informant, they



were shot at by the co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. From the FIR, it is apparent that there is no allegation of any overt act against the petitioner. Learned counsel further submits that there is longstanding dispute between the co-accused persons and the informant and due to relationship with the co-accused persons, the petitioner has been falsely implicated in the present case. Allegation of firing has been made against co-accused Ram Pukar Singh and Chandan Kumar. Petitioner is in custody since 03.09.2024 and charge-sheet has been submitted. Petitioner is having antecedent of four cases.

5. Learned APP opposes the submission made on behalf of the petitioner submitting that the petitioner is a habitual offender.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no allegation of any assault or demand of extortion being made by the petitioner and also considering the period of custody of the petitioner and submission of charge-sheet, the petitioner is directed to be released on bail, on



furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Khagaria/concerned court, in connection with Parbatta P.S. Case No. 146 of 2023, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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