

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24513 of 2016

Arising Out of PS.Case No. -317 Year- 2015 Thana -CHANDI District- NALANDA
(BIHARSHARIFF)

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1. Subhash Gope Son of Devnaraya Gope, Resident of Village- Beldhana,
P.S.- Chandi, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar

For the Opposite Party/s : Mr. Ashok Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 15-07-2016 Heard learned counsel for the petitioner and learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

Petitioner and other F.I.R named accused are said to

have assaulted the informant and others, as a result of which the

informant and one Manoj Yadav sustained injuries whereas Suresh

Yadav died in course of treatment.

Submission on behalf of the petitioner is that there is

omnibus and general allegation of assault against the petitioner but

in course of investigation, when the statements of the witnesses

Vinod Yadav and Babloo Yadav were recorded at Para 56 and 57

of the case diary, the aforesaid witnesses specifically stated that it

was co-accused Dev Narayan Gope, who gave fatal blow to the deceased.

Admittedly, there are two injured in this case but both the aforesaid injured did not mention this fact who gave fatal blow to the deceased. One co-accused Surendra Gope has already been granted privilege of bail whereas prayer for bail of the co-accused Dev Narayan Gope has already been rejected by a co-ordinate Bench of this Court. The present occurrence has taken place on account of previous enmity.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge, Hilsa, Nalanda in connection with Session trial no. 92 of 2016, arising out of Chandi P.S.Case No. 317 of 2015.

(Hemant Kumar Srivastava, J)

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