

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22152 of 2016

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

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1. Devnarayn Gope Son of late Prasadi Gope Resident of Village- Beldhana
PS 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. A.K.Choudhary(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 13-07-2016

Heard the learned counsel for the petitioner, the
learned A.P.P for the State as also the learned counsel for the
Informant.

The petitioner seeks bail in a case for the offences
punishable under sections 341, 323, 307, 504 and 302/34 of the
I.P.C

Allegedly, the petitioner, other three FIR named
accused persons and 3-4 unknown started assaulting Manoj
Yadav, Suresh Yadav and the informant. The petitioner, Suresh
Gope and Subhash Gope assaulted with the iron rod to Suresh
Yadav and the informant causing head injury and thereafter Suresh
Yadav died.

Submission is of false implication and that due to the
land dispute the occurrence has taken place, there is case and

counter case, both sides have received injuries, in the postmortem report only two injuries were found, the petitioner without any fault is suffering in custody since 30.10.2015 having no criminal antecedent, co-accused Surendra Gope has already been allowed bail vide Cr. Misc. No. 20192 of 2016 and as such the petitioner also deserves sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that in the fardbeyan of the informant it is specifically mentioned that the petitioner, Suresh Gope and Subhash Gope assaulted with iron rod to the deceased and also to the informant and as such the case of the petitioner is different from co-accused Surendra Gope.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to enlarge him on bail and accordingly his such prayer stands rejected in connection with S.T. No. 92 of 2016 arising out of Chandi P.S. Case No. 317 of 2015 pending in the court of 1st Additional Sessions Judge, Hilsa, Nalanda.

However, let the trial be expedited and concluded as early as possible preferably within a period of nine months from the date of receipt/production of a copy of this order.

(Jitendra Mohan Sharma, J)

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