

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36222 of 2018

Arising Out of PS. Case No.-9 Year-2018 Thana- KARAI PARSARAI District- Nalanda

Bhutali Gope @ Jhulan Prasad, Son of Late Lakhan Gope, Resident of
Village- Murgiyachak, Police Station- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Sri Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 24-07-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State as well as informant.

Petitioner is in custody in connection with S.Tr. No. 234
of 2018 arising out of Karai Parsurai P.S. case No. 09 of 2018
for the offence under sections 147, 148, 149, 302, 427, 435 of
the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel appearing on behalf of the petitioner
submits that in the instant case the allegation against this
petitioner is that he has set paddy crops on fire. He submits that
there is no allegation that this petitioner has used fire arm or
was equipped with fire arms and except putting the paddy crops
on fire there is no other allegation. He submits that the co-



accused who was equipped with rifle in the instant case was granted bail only on the ground that there was no overt act alleged against that accused.

Learned counsel appearing on behalf of the informant submits that petitioner is a veteran criminal and he was hired by the adversary of the informant. He further submits that petitioner has criminal antecedent and he is accused in four other cases including the case under section 302 of the Indian Penal Code. However, he does not dispute the fact that there was no overt act, leading to any injury or resulting into death of the deceased.

Learned counsel for the informant also submits that trial has commenced and as such there is no point to grant bail to this petitioner.

Considering the totality of the facts situation and the peculiar facts that the petitioner is in custody since 3.2.2018, let the petitioner, named above, be enlarged on bail after 03.08.2018 on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned IIIrd Additional Sessions Judge, Hilsa, Nalanda, in connection with S.Tr. No. 234 of 2018, arising out of Karai Parsurai P.S. Case No. 09 of 2018 with the condition



that petitioner will extend full cooperation in the conduct of the trial and in the event any attempt is made by the petitioner to delay the trial, the trial court is directed to cancel the bail bond of the petitioner to ensure participation of the petitioner in the conclusion of the trial expeditiously.

(Anil Kumar Upadhyay, J)

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