

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41926 of 2018

Arising Out of PS.Case No. -9 Year- 2018 Thana -KARAI PARSARAI District- NALANDA
(BIHARSHARIFF)

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1. Dipu Gope S/o Rajendra Gope @ Rajendra Prasad, R/o Vill.- Pakaridih,
P.S.- Karai Parsurai, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Sri Nityanand

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 26-09-2018 Heard learned counsel for the petitioner, the informant
and the learned A.P.P. for the State.

The petitioner seeks bail in S.Tr. No. 234/2018, arising
out of Karai Parsurai P.S. Case No. 9/2018, instituted for the
offences under Sections 147, 148, 149, 302, 427 and 435 of the
Indian Penal Code read with Section 27 of the Arms Act.

It is alleged in the written report that this petitioner along
with three other accused persons armed with weapons arrived and
assaulted the father of informant with *lathi* and iron rod, while he
was engaged in harvesting paddy crops in Khalihan. The other
accused persons were surrounding the father of informant armed
with weapons and put firearm and were not allowing the villager to
come to rescue the father of informant. It is further alleged that 10
unknown persons were also present during the crime. Accused



Bhutali Gope set the paddy crops on fire. After assault, father of informant was taken to hospital, where he died.

Post-mortem report is available in case diary wherein doctor has opined cause of death due to shock and haemorrhage from head and chest injury.

Learned counsel for the petitioner has submitted that in the written report there is no specific allegation against this petitioner. There is general and omnibus allegation of assaulting the father of informant. It is further submitted that other co-accused has already been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 36222/2018 dated 24.07.2018.

The petitioner is in custody since 23.01.2018.

Considering the aforesaid fact and circumstances, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned IIIrd Additional Sessions Judge, Hilsa, Nalanda in connection with Karai Parsurai P.S. Case No. 9/2018, subject to the conditions that

- (i) both the bailors shall be the close relative of the petitioner.
- (ii) petitioner shall be present on each and every date fixed by the court and absence



on two consecutive dates without valid reason will automatically cancel bail bond of the petitioner and

(iii) if petitioner tamper with the evidence, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J.)

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