

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 45122 of 2019

Arising Out of PS Case No.-95 Year-2018 Thana- ALAMGANJ District- Patna

Vinod Gope @ Vinod @ Chotanki Gope, aged about 50 years, Gender-Male,
Son of Late Ram Dayal Gope Resident of Mohalla-Belwarganj, P.S.-
Alamganj, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47485 of 2019

Arising Out of PS Case No.-95 Year-2018 Thana- ALAMGANJ District- Patna

Guddu Kumar, aged about 22 years, Gender-Male, Son of Vinod @ Chotanki
Gope Resident of Mohalla- Belwarganj, P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45122 of 2019)

For the Petitioner/s : Mr. Satyavrat Verma and
Mr. Vatshal Verma, Advocates

For the State : Mr. Jharkhandi Upadhyay, APP

(In CRIMINAL MISCELLANEOUS No. 47485 of 2019)

For the Petitioner/s : Mr. Satyavrat Verma and
Mr. Vatshal Verma, Advocates

For the State : Mr. Gauri Shanker Gupta, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 11-12-2019

Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Alamganj
PS Case No. 95 of 2018 dated 02.03.2018 instituted under



Sections 302, 120B/34 of the Indian Penal Code and 27 of the Arms Act.

3. The allegation against the petitioners and eight others is of indiscriminate firing resulting in the death of the brother of the informant.

4. Learned counsel for the petitioners submitted that the informant and the deceased are agnates of the petitioners and other accused and there is land dispute between them. It was submitted that from the FIR itself, it would be clear that initially the informant was caught hold of but then the petitioners are said to have told the other co-accused to look for the deceased and kill him. It was submitted that if the petitioners were close relatives and had come specifically targeting the deceased, there would be no occasion for the petitioners and other co-accused to first catch hold of the informant. It was submitted that even otherwise, if the informant was closely related to the petitioners and other co-accused, then it is not open to reason as to why an eye witness would be left to later create problems for the accused. Learned counsel submitted that the barber of the shop in which the incident took place has also stated that initially the informant was caught hold of but one of the accused is said to have asked the others to leave him as they were looking for the deceased upon whom they



fired indiscriminately resulting in his death. It was submitted that if the informant could recognize the persons then the barber could also have recognized them because he is known to the family and the shop is in the same locality. It was submitted that the deceased was a history sheeter. Learned counsel submitted that the petitioner of Cr. Misc. No. 45122 of 2019 is in custody since 19.11.2018 and petitioner of Cr. Misc. No. 47485 of 2019 is in custody since 08.01.2019.

5. Learned APP submitted that there is allegation of indiscriminate firing on the deceased by the petitioners along with three others.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge, Patna City, Patna in Alamganj PS Case No. 95 of 2018.

7. One of the bailors shall be a close relative of the petitioners. The petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. The petitioners shall also give an undertaking to the Court that they shall not indulge in



any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

8. The applications stand disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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