

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75826 of 2018

Arising Out of PS. Case No.-41 Year-2018 Thana- BAHADURPUR District- Patna

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Dipak Kumar @ Gopi Kumar @ Gopi, Son of Kanhai Paswan, Resident of
Molhalla-Rampur, P.S. Bahadurpur, Distt.-Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 10.05.2018 in a case registered for the offence punishable under Sections 147,148,149,324,307 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the Fardbeyan of Chhotu Kumar, recorded on 27.02.2018 at Emergency Ward of PMCH is to the effect that on 20.07.2018 at 7.05 P.M., the informant went to purchase clothes along with other persons and while returning, he was surrounded by the petitioner Gopi Kumar and co-accused Raushan Kumar, Suraj Kumar, Bittu Kumar and eight unknown persons. It is further alleged that co-accused Raushan, Suraj and the petitioner Gopi Kumar



resorted to fire which hit the informant and one Rahul. During course of investigation, the petitioner confessed his guilt to the effect that four accused persons resorted to fire, including the petitioner.

It is submitted by learned counsel for the petitioner that the specific case of the informant is that three persons namely, Raushan, Suraj and the petitioner Gopi Kumar resorted to fire upon the informant and one Rahul, but the injury report of only Rahul is on record, which suggests that one lacerated injury on the left forearm. The nature of weapon used for causing injury has not been opined by the doctor. Though the petitioner is accused in three other cases, but apart from the present case, in all the cases he is on bail. A statement to that effect has been made in paragraph no.3 of the petition.

Learned APP for the State after going through the case diary submits that the injury report of Rahul is on record, who received only one injury.

Considering the accusation not being corroborated with the medical opinion, let the above named petitioner 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 learned ACJM-II, Patnacity, Patna in connection



with Bahadurpur P.S. Case No. 41 of 2018.

(Dinesh Kumar Singh, J)

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