

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7353 of 2020

Arising Out of PS. Case No.-130 Year-2019 Thana- NAGARNAUSA District- Nalanda

1. Tuntun Gope S/o Rameshwar Gope Resident of Village- Kharjama, P.S.- Nagarnausa, District- Nalanda.
2. Pramod Gope Son of Rameshwar Gope Resident of Village- Kharjama, P.S.- Nagarnausa, District- Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners in the present case are seeking anticipatory bail in connection with Nagarnausa P.S. Case No. 130 of 2019 registered for the offences punishable under Sections 341, 307, 435, 436, 406/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the F.I.R. in question has been lodged two days after the alleged occurrence. The first occurrence allegedly took place on 06.10.2019 and it is alleged that Pramod Gope had poured kerosene oil and Tuntun Gope had set up the fire.

It is submitted that in this regard in course of investigation no material could be collected by the I.O. save and



except that front part of the straw roof of the kuchha house was found burnt to some extent. Both the parties are co-sharers and having their houses attached to each other. There is also a counter case in this regard. The second part of the F.I.R. is with respect to the occurrence which took place on 07.10.2019. The petitioner no. 1 lodged F.I.R. in this regard on the same day i.e. on 07.10.2019 he was brutally assaulted by the present informant's side and in this regard his injury reports have been brought on record.

Learned counsel submits that the present F.I.R. has been lodged only subsequently on 08.10.2019 as a counterblast and the injury on the body of Raja Kumar has been examined by the Doctor in Primary Health Centre, Nagarnausa who has found 1"x1" skin deep injury on the head of Raja Kumar which is simple in nature.

Learned counsel submits that the said injury has been shown to have been caused by hard and blunt object whereas the allegation against the petitioner no. 1 is that he was having Garasa in his hand and had assaulted by Garasa.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering these facts and circumstances of this



case, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Nagarnausa P.S. Case No. 130 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

vats/-

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