

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9194 of 2020

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

1. Ramishwar Gope @ Ramishwar, Male, aged about 70 years, S/o Raghuni Gope
2. Subodh Kumar @ Subodh Gope, Male, aged about 30 years, S/o Ramishwar Gope, both resident of Village- Kharjama, P.S.- Nagarnausa, Distt- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners apprehend their arrest in connection

with Nagarnausa P.S. Case No. 130 of 2019 registered for the

offences punishable under Sections 341, 307, 435, 436, 506/34

of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case is that one Karina Kumari lodged her

written report dated 07.10.2019 alleging precisely inter alia

that on 06.10.2019 at about 11 P.M. in the night, she was

sleeping in the house then all on a sudden Pramod Gope,

Sumode Gope, Subodh Gope, Tuntun Gope came and abused

and closed the Kirana shop from outside, thereafter, it is said



that Tuntun Gope asked to put it on fire, thereafter Rameshwar Gope asked to put it on fire. It has been said that the prosecution party were hearing all these and on hulla the villagers opened the door from outside then came out, and thereafter, allegation is that wife of Ramishwar Gope caught hold of the informant and Karina Kumari threw on the ground and thereaftr, it is said that the wife of Tuntun Gope also threw Karina Kumari on the ground and started assaulting and thereaftr, it is said that all were also assaulting Raja, thereafter, it has been said that large number of people assembled then they fled away and thereafter, their treatment has been done at Primary Health Centre at Nagarnausa.

Learned counsel for the petitioners submits that there is case and counter case. Earlier, the petitioners' side has filed Nagarnausa P.S. Case No.129 of 2019, thereafter, the present case has been filed. Learned counsel for the petitioners further submits that there is no specific overt act against the petitioner. There is specific allegation against Tuntun Yadav. He further submits that the co-accused Tuntun Yadav has been granted anticipatory bail by this Co-ordinate Bench of this Court vide order dated 28.02.2020 passed in Cr. Misc. No.7353 of



2020.

In the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of 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.

(Anjani Kumar Sharan, J)

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