

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 15697 of 2020**

Arising Out of PS Case No.-147 Year-2019 Thana- MEHADIGANJ District- Patna

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Shashi Gope, Male, aged about 35 years, Son of Arun Gope, Resident of
Village - Ghasiyari Gali Chorwa Mandir, P.S.- Chowk, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Pramod Kumar, Advocate
For the State	:	Mr. Narsingh Tanti, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 24-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Yogesh Chandra Verma, learned senior counsel along with Mr. Pramod Kumar, learned counsel for the petitioner and Mr. Narsingh Tanti, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Mehadiganj PS Case No. 147 of 2019 dated 09.08.2019 instituted under Sections 147, 148, 149, 341, 323, 504, 307, 302 and 120B of the Indian Penal Code and 27 of the Arms Act.



4. The allegation against the petitioner, along with many others, is of firing on the head of the deceased leading to his death.

5. Learned counsel for the petitioner submitted that as per the FIR lodged by the wife of the deceased, the deceased, who was the full brother of co-accused Painter Gope and Painter Gope is the brother-in-law (*Bahnoi*) of the petitioner and another co-accused Sarvesh Gope, who are said to have actually fired on the deceased. Learned counsel submitted that there was dispute between the brothers and the petitioner, only because of his relationship with Painter Gope, has been made accused. Learned counsel submitted that though it has been stated that three persons, including the petitioner, had fired on the deceased which had hit him, in the postmortem, only one gunshot injury has been found on the head, which is specifically alleged to have been caused by the firing of co-accused Sarvesh Gope. It was submitted that one eye witness i.e., the sister-in-law (*Bhabhi*) of the deceased has made such statement during investigation. Learned counsel submitted that the full brother of the deceased, namely Painter Gope, who is married to the sister of the petitioner, has been granted bail on 28.05.2020 and the petitioner is in custody since 08.11.2019.



6. Learned APP, from the case diary, submitted that the petitioner, along with other members of his gang, were waiting for the deceased and had committed the offence. However, he did not controvert that one of the eye witnesses has stated that co-accused Sarvesh Gope, had fired on the head which wound is corroborated by the postmortem report.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Patna City in Mehadiganj PS Case No. 147 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates,



without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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