

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18130 of 2020**

Arising Out of PS. Case No.-169 Year-2019 Thana- KHUSRUPUR District- Patna

Sanjat Gope @ Sanjit Gope @ Sanjeet Gope, Son of Vijay Gope, Resident of
Village - Kalyanpur, P.S.- Fatuha, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate Mr.Pramod Kumar, Advocate
For the Opposite Party/s	:	Mr.Pramod Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 03-06-2020 The matter has been listed today for consideration through video conferencing in view of the nationwide lockdown on account of COVID-19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard Mr. P.K. Shahi, learned Senior Counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Khushrupur P.S. Case No.169 of 2019 instituted for the offence punishable under Sections 147, 148, 149, 386, 387, 504, 506, 302, 120B of the Indian Penal Code and Section 27 of the Arms



Act.

Drawing the attention of the Court towards the allegations made in the F.I.R., learned Senior Counsel submits that the allegation has been attributed to other accused persons of opening fire leading to the death of the Night Guard. In the F.I.R. at best the petitioner is said to be present at the place of occurrence with the co-accused. It is further submitted that though there is no specific allegation against the petitioner, he is in custody since 10.01.2020. The petitioner is on bail in Fatuha P.S. Case No.346 of 2019, which is pending against the petitioner. It is a case of false implication. The informant is also not an eye-witness.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 the Smt. Susmita Kumari, learned Judicial Magistrate-Ist Class, Patna City, in connection with Khushrupur P.S. Case No.169 of 2019, subject to the following conditions:



- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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