

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79882 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- WARISNAGAR District- Samastipur

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GOPAL SINGH @ GOPAL KUMAR SINGH Son of Pramod Kumar Singh
Resident of Village- Balahi Satmalpur, P.S.- Warishnagar, District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 14-09-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in Warisnagar
P.S. Case No. 46 of 2019 registered under Sections 302 and 34
of the Indian Penal Code.

The prosecution case, in short, is that the accused
persons brutally assaulted the elder brother of the informant due
to which he died.

It has been submitted on behalf of the petitioner that



there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is alleged to have assaulted on the leg of the deceased. Same is on the non-vital part of the body. The fatal injury has not been caused by the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. There is specific allegation of assault by *lathi* on the leg of the deceased. The post-mortem report corroborates the allegations made in the F.I.R.

Considering the same, I am not inclined to grant bail to the petitioner. The prayer is rejected. If the petitioner surrenders in the Court below, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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