

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68023 of 2019

Arising Out of PS. Case No.-449 Year-2018 Thana- GAURICHAK District- Patna

Mithilesh Gope, Son of Late Haidar Gope, Resident of Village - Belwarganj,
P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate
For the Opposite Party/s : Mr. Satyavrat Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 31-01-2020 Heard Learned Counsel for the petitioner, the State
and the informant.

Petitioner is an accused in a case registered for the
offence punishable under Sections 147/148/149/302/120(B) of
the Indian Penal Code and 27 of the Arms Act.

The informant is the mother of the deceased who was
informed by one of her sons that while the deceased was going
to surrender before the Court below in a case of murder, he was
attempted to be taken out from the three-wheeler in which he
was proceeding towards the Court and this petitioner along with
two co-accused have stated to have fired from behind, killing
him on the spot.

It is submitted on behalf of the petitioner that the
informant is not an eye witness of the case. F.I.R. has been
lodged by informant on the basis of disclosure made by her son



Guddu, who claims himself to be an eye-witness of the occurrence. But the said Guddu has not been examined by the police during the course of investigation. As such, it is a case of circumstantial evidence and no material has come during investigation to connect him with the occurrence. It is further submitted that this case has been lodged after thought only with a view to save his skin because two months earlier this petitioner had lodged a case against the informant son's vide Alamganj P.S. Case No. 583 of 2018 under Section 302/120(B)/34 of the I.P.C. and 27 of the Arms Act. Charge sheet has already been filed. In the incident petitioner also got injuries and was admitted to the Ford Hospital from where he was arrested.

Learned counsel for the informant submits that there is specific allegation of causing firing on the deceased against the petitioner. The petitioner has got criminal antecedent.

Learned counsel for the petitioner submits that in the aforesaid cases he is already on bail.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be released on bail on furnishing the bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the Learned Addl. Chief
Judicial Magistrate, 1st Patna City in Gaurichak Police Station
Case No.449 of 2018, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be
properly represented on each and every date fixed by the Court
and shall remain physically present as directed by the Court and
his absence on two consecutive dates without sufficient reason,
his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the
witnesses, in that case the prosecution will be at liberty to move
for cancellation of bail.

(Prabhat Kumar Singh, J)

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