

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78144 of 2019

Arising Out of PS. Case No.-690 Year-2019 Thana- PATRAKARNAGAR District- Patna

TUNTUN GOPE @ CHANDRAMA PRASAD SINGH Son of Baleshwar
Yadav @ Baleshwar Prasad Resident of Village- Nandlal Chapra, P.S.-
Ramkrishna Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Madhuri Kumari

For the Opposite Party/s : Mr.Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 19-03-2020 Heard the learned counsel for the petitioner, the learned
APP and the learned counsel for the informant.

The petitioner seeks bail in Patrakar Nagar P.S. case No.
690/2019 registered under Section 302/34 of the Indian Penal
Code and u/s 27 of Arms Act.

The informant, widow of the deceased, alleged that her
husband was returning to his house after shaving and when he
was about 20-25 feet away from his house Dabloo and Bhallo
came on a motor cycle. Dabloo fired from point blank range on
the head of her husband. She further disclosed that Kedar Rai
and Tuntun Gope, the petitioner, were on another motor cycle
and after firing the accused persons fled away.

The learned counsel for the petitioner submits that



allegation of firing is against Dabloo. The deceased got one fire arm injury. The only allegation against the petitioner is that he was sitting on another motor cycle with Kedar Rai. No overt act is alleged against the petitioner. During the course of investigation, witnesses have stated that petitioner exhorted and on such Dabloo fired. The petitioner is in custody since 03.09.2019 and the petitioner deserves bail but Mr. Sanjeev Kumar, the learned counsel for the informant, and the learned APP vehemently opposed the prayer for bail and submitted that petitioner has got criminal antecedent but the at the same time he could not be able to show that any overt act is alleged against the petitioner.

It appears that the informant, who claimed herself to be eye witness of the occurrence, made specific allegation that when her husband was 20-25 feet away from his house, Dabloo and Bhallu came on a motor cycle and Dabloo fired on the head of her husband from point blank range. Kedar Rai and petitioner were sitting on another motor cycle and after firing they fled away. No overt act is alleged against the petitioner. During the course of investigation, of course, the prosecution developed the story and made allegation that petitioner exhorted and on such Dabloo made firing. The petitioner has already remained in



custody for more than six months.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner, above named is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna in connection with Patrakar Nagar P.S. case No. 690/2019.

(Prabhat Kumar Jha, J)

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