

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85906 of 2019

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

SARVESH GOPE Son of Arun Gope Resident of Village - Ghasiyari Gali
(Tola), Nokha Mandir (Kanya Mandir), P.S. - Chowk, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. K. Lal

For the Opposite Party/s : Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 18-03-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Mehdiganj Police Station Case No. 147 of 2019, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 504, 307, 302 and 120-B of the Indian Penal Code.

The allegation against the petitioner is that the petitioner, along with other accused persons, fired upon the husband of the informant, leading to his death.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged inasmuch as from perusal of the First Information Report, it would be evident that the petitioner, along with two other co-accused, indiscriminately fired upon the husband of the



informant, causing his death. He further submits that in the *post-mortem* examination report, only one gun-shot injury has been found on the person of the deceased and no empty cartridge(s) was found by the police from the place of occurrence. He next submits that no other injury, caused by iron-rod, lathi, danda or butt of the pistol, has been found on the person of the deceased; whereas the allegation in the First Information Report is that all the accused persons have assaulted the deceased by means of iron-rod, lathi, danda and butt of the pistol.

On the other hand, learned Additional Public Prosecutor opposed the prayer for bail and submits that the petitioner has got criminal antecedent and there is allegation of firing upon the deceased in the First Information Report.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is allegation of firing upon the petitioner in the First Information Report and the petitioner has got criminal antecedent, I am not inclined to enlarge the petitioner on bail.

This application is, accordingly, dismissed.

However, if the trial of the petitioner does not show any progress within a period of six months from today, the



petitioner will be at liberty to renew his prayer for bail.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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