

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35067 of 2021**

Arising Out of PS. Case No.-187 Year-2018 Thana- KHUSRUPUR District- Patna

Upendra Gope @ Upendra Gop aged about 45 years S/O Late Rambalak Gope @ Som Balak Gope R/O Village Baikathpur, Rajpura, P.S-Khushrupur, District-Patna.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Vishal Saurabh, Advocate

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      10-09-2021      Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in Khusrupur Police Station Case No. 187 of 2018 registered for the offences punishable under sections 302/34 of the Indian Penal Code.

As per the prosecution case, petitioner and 10 other accused persons, named in the FIR, armed with iron road and bhala surrounded informant's father and on the order of one Lalan Gope, co-accused Awdhesh Pandey assaulted him with bhala as a result of which he sustained injury on his leg and fell down. Thereafter, all the accused persons assaulted him. The victim was taken to PMCH but he died there during course of treatment.

Learned counsel for the petitioner submits that earlier



the petitioner was granted regular bail in this case by the court below vide order dated 8.2.2019, passed in BP No. 120/19. However, Khusrupur Police Station Case No. 268 of 2020 was filed for the offence punishable u/s 341,323,379,504,506/34 IPC and section 27 of the Arms Act against the petitioner alleging that the petitioner misused the privilege of bail and after coming out of jail he gave threatening to the witnesses and also prevented them from giving deposition in the case for which separate case, namely, Khusrupur Police Station Case No. 268 of 2020 was lodged against the petitioner. The court below while going through the case records of the said case, vide order dated 16.12.2020 cancelled the bail of the petitioner. He further submits that the informant due to ill motive, filed the aforesaid case only to harass the petitioner. Petitioner is in custody since 14.1.2021.

Learned counsel for the State opposes the prayer for bail. He submits that after being released on bail this petitioner threatened the witness of this case and tried to tamper with the evidence for which a separate case Khusrupur Police Station Case No. 268 of 2020 was lodged.

Considering the rival submissions of the parties, materials available on the record and the conduct of the



petitioner, his prayer for bail is refused.

**(Prabhat Kumar Singh, J)**

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