

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23660 of 2020

Arising Out of PS. Case No.-169 Year-2019 Thana- KHUSRUPUR District- Patna

TUNTUN GOPE Son of Late Rajendra Gope Resident of Village - Kalyanpur,
P.S. Fatuha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. P. K. Shahi, Sr. Advocate Mr. Pramod Kumar, Advocate
For the State	:	Mr. C. Jawahar, APP
For the informant	:	Mr. Sunil Kumar Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 08-03-2021 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner seeks bail in Khushrupur P.S. case No.169 of 2019 registered under Sections 147, 148, 149, 386, 387, 504, 506, 302, 120(B) of the Indian Penal Code, pending in the court of Smt. Susmita Kumari, Judicial Magistrate, 1st class, Patna City.

Allegation against the petitioner is that he along with other accused persons opened fire causing death of one Awadhesh Yadav and injured other persons.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.05.2019. Charge sheet has been submitted in this case. There is no allegation of tampering



of witnesses alleged against the petitioner. The informant is not an eye witness to the alleged occurrence. Whatever has been narrated by the informant in the F.I.R. is on the basis of statement of one Babloo Kumar. In the F.I.R. itself, the informant says that Babloo Kumar stated to him that the petitioner had fired on the head of the deceased. It has further been submitted on behalf of the petitioner that from perusal of the postmortem report, it is evident that there is no fire arm injury on the head of the deceased.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioner is named in the F.I.R. The specific allegation of firing upon the deceased is alleged against the petitioner. The petitioner has got six criminal cases pending against him. The statement of Babloo Kumar has been recorded by the I.O. under Section 161 of Cr.P.C. in paragraph 6 of the case diary. The said witness in his statement under Section 161 of Cr.P.C. has stated that the petitioner had fired upon the deceased. Thereafter the statement of the said witness has been recorded under Section 164 of Cr.P.C., wherein he has alleged that the petitioner had fired upon the deceased. It has also been submitted on behalf of the State that on the disclosure made by the petitioner in his confession, arms and



ammunition are said to have been recovered from the co-accused Pramod Paswan. Said fact is in paragraph 48 of the case diary.

Considering that the petitioner is one of the assailants, I am not inclined to grant bail to the petitioner. The same is rejected.

The Trial Court is directed to take all necessary steps to expedite the trial and conclude the same preferably within a period of nine months from the date of receipt/production of a copy of this order.

The District Magistrate, Patna and the Senior Superintendent of Police, Patna are also directed to take necessary steps to produce the witnesses on the date fixed by the Trial Court so that the trial could be concluded within the stipulated period.

Let this order be communicated to the District Magistrate, Patna and the Senior Superintendent of Police, Patna.

(Sudhir Singh, J)

Narendra/-

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