

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35468 of 2020

Arising Out of PS. Case No.-129 Year-2020 Thana- BIHARSHARIF District- Nalanda

Babli Gope @ Babloo Gope S/o Naresh Gope R/o Village-Asthawan, P.S.-
Asthawan, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Narain, Sr. Advocate.

For the Opposite Party/s : Mr. Ramchandra Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 03-02-2021 Heard Mr. Rajendra Narain, learned senior counsel
for the petitioner and Mr. Ramchandra Singh, learned Additional
Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Bihar
P.S. Case No. 129 of 2020 registered for the offences punishable
under Sections 341, 342, 323, 326, 307, 302/34 of the Indian
Penal Code 1860 and Section 27 of the Arms Act.

The allegation as per the First Information Report is
that the petitioner handed over pistol to co-accused Abhay
Kumar @ Baua who fired upon brother of the informant,
namely, Maqsood Khan @ Pappan Khan, due to which, he died.

Learned senior counsel for the petitioner submits that
the petitioner has not committed any offence in the manner
alleged and he has falsely been implicated in this case with



ulterior motive. Learned counsel further submits that the petitioner has got no criminal antecedent and scuffle between the parties had taken place on the issue of playing cricket in the field. Learned counsel also submits that when the deceased was taken to PMCH, the *fard-e-beyan* of Md. Shahbaz was recorded in which he has clearly stated that co-accused Abhay Kumar @ Baua had fired upon the deceased. Learned counsel next submits that during course of investigation, the statement of eye witnesses were recorded who have specifically stated that Abhay Kumar @ Baua had fired upon the deceased.

On the other hand, learned counsel for the State referring to the case diary submits that the statement of Md. Shahbaz and Faizan have been recorded in which they have stated that Abhay Kumar @ Baua had fired upon the deceased.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that petitioner is not the main assailant and he is in custody since 7.3.2020, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif, in connection with Bihar P.S. Case No. 129 of 2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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