

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37852 of 2020

Arising Out of PS. Case No.-43 Year-2020 Thana- GANDHIMAIDAN District- Patna

1. VIJAY KUMAR @ LALLU GOPE @ LALU GOPE S/O LATE MOTILAL RESIDENT OF MOHALLA - LALJEE TOLA, P.S. - GANDHI MAIDAN, DISTRICT – PATNA.
2. GUNGUN @ SUBHAM @ SUBHAM KUMAR S/O LATE BIJENDRA PRASAD RESIDENT OF MOHALLA - LALJEE TOLA, P.S. - GANDHI MAIDAN, DISTRICT – PATNA.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Manisha Prakash, Advocate.
For the State	:	Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 07-07-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 21.12.2020, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State, through Video Conferencing.

The petitioners apprehend their arrest in connection with Gandhi Maidan P.S. Case No.43 of 2020 registered under Sections 147, 148, 149, 341, 448, 307, 323, 506 and 385 of the Indian Penal Code besides Section 27 of the Arms Act.



The accusation is that on 05.02.2020 at about 02.00 P.M., the informant Rajkumar Singh was present in his Transport Office. At that time, Manu Kumar, son of Lallu Gope (petitioner no.1), came there and asked the informant by sending his men for sending the contribution (Chanda) at Dilip Kirana giving threatening of dire consequences. Thereafter, the informant talked on mobile to Lallu Gope (petitioner no.1), the father of Manu Kumar. At about 09.30 P.M., Manu Kumar, son of Lallu Gope (petitioner no.1) along with Subham (petitioner no.2) and 2-4 boys came and started to abuse and cause assault to the informant. Thereafter, the informant again talked on phone to Lallu Gope (petitioner no.1), the father of Manu Kumar, but, in spite of that, at about 10.30 P.M., Manu Kumar forming an unlawful assembly and making firing with Manoj, Gungun alias Subham (petitioner no.2), Lallu (petitioner no.1) and 4-5 unknown came at the Transport Office of the informant and, thereafter, Manoj Kumar and Manu Kumar shot fire through pistol and rifle at the informant but the informant and his staff fled away from there. They also asked the informant that he would pay the ransom if he wants to do the business.

Learned counsel for the petitioners submits that the petitioner no.1 is father and the petitioner no.2 is cousin of



Manoj Kumar and Manu Kumar against whom there is allegation of making firing and the petitioners have falsely been implicated in this case without specifying any overt act. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-14, Patna, in connection with Gandhi Maidan P.S. Case No.43 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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