

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4746 of 2021

Arising Out of PS. Case No.-50 Year-2020 Thana- NAGARNAUSA District- Nalanda

BABLU GOPE Son of Shri Devendra Gope Resident of Village-
Moniyampur, P.S.- Nagarnausa, Distt- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Adv.

For the Opposite Party/s : Mr. Satyendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-08-2021 Heard the parties through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 342, 323, 504, 302 of the Indian Penal Code and Section 27 of the Arms Act.

As per FIR, petitioner along with 12 other accused persons armed with pistol, rifle, iron rod reached at the place of occurrence and surrounded the husband of the informant. All accused persons hit the husband of the informant with butt of rifle on his head, hand and legs, thereafter, husband of the informant lost consciousness. With the help of villagers the



informant took her husband to PMCH where during the course of treatment on 03.04.2020, he died.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the petitioner. He submits that there is specific allegation upon co-accused who assaulted the deceased. He further submits that petitioner bears one criminal antecedent as stated in para-3 of the bail application and he is languishing in judicial custody since 17.10.2020.

However, learned counsel for the informant and State oppose the prayer for bail and submits that there is specific allegation of assault against the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail **after framing of charge** on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Nagarnausa P.S. Case No. 50 of 2020, subject to the conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to



who he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the petitioner.

(II) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J)

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