

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15490 of 2022

Arising Out of PS. Case No.-347 Year-2020 Thana- FATUA District- Patna

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BINOD GOPE @ BINOD SINGH, Son of Late Ramslak Singh Resident of Village - Sukulpur, P.S.- Didarganj, District - Patna. At present village - Chak Sultanpur, P.S.- Fathua, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Singh

For the Opposite Party/s : Mr. Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Fatuha P.S. Case No. 347 of 2020, registered for the offences punishable under Sections 341, 323, 307, 385, 504, 506 and 34 of the I.P.C. and Section 27 of the Arms Act.

As per allegation, the petitioner had demanded Rs. 30,000/- as extortion from the informant and due to non-fulfillment of the same, he along with his associates assaulted the brother of the informant with *lathi*, causing injuries to him.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. He further submits that the allegation is general and omnibus in nature. He further submits that though this case has been registered also for the offence punishable under Section 307 IPC, the petitioner has not shot fire at the victim, which shows that he did not have any intention to kill him. He also submits that one of the co-accused, namely, Suraj Gope has already been granted bail by a Bench of this Court *vide* order dated 09.06.2022, passed in Cr. Misc. No. 9341 of 2022.

The petitioner is languishing in jail since 28.08.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

The petitioner in paragraph no. 3 of the petition has mentioned about four other cases also, namely, Fatuha P.S. Case No. 319 of 2019, Fatuha P.S. Case No. 111 of 1994, Fatuha P.S. Case No. 363 of 2009 and Didarganj P.S. Case No. 124 of 2004.



However, the learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Patna City in connection with Fatuha P.S. Case No. 347 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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