

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16165 of 2022

Arising Out of PS. Case No.-389 Year-2021 Thana- ALAMGANJ District- Patna

VINOD @ VINOD GOP @ CHHATANKI GOP SON OF LATE RAM
DAYAL GOP R/O MOHALLA- BELWARGANJ, P.S.- ALALMGANJ,
DIST.- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vatsal Verma, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 02-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Alamganj P.S. Case No. 389 of 2021 for the offences under
Sections 302, 120B/34 of the Indian Penal Code and Section 27
of the Arms Act.

As per the FIR, the lady has alleged that on hearing
gun shot, she came out and saw four named accused persons
including the petitioner herein opening fire on her husband, who
was immediately taken to the hospital but succumbed to the
injuries.

In this case, case diary was called for on 12.07.2022



and the same has been received.

Learned counsel for the petitioner submits that there was dispute between the parties and that may be the reason for the lady naming them as accused and in that backdrop, the petitioner deserves bail.

Per contra, Mr. Jitendra Kumar Singh, learned APP submits that a perusal of the post-mortem report support the prosecution theory inasmuch as multiple gun shot injuries have been found on the person of the deceased. He further submits that paragraph-3 of the bail application shows that the petitioner himself has criminal antecedent inasmuch as he has been made accused amongst other under Sections 302 and 307 of the Indian Penal Code.

Considering the aforesaid fact including the fact that the lady has made specific allegation against the petitioner herein being one of the four accused persons, who opened fire killing her husband, this Court is not inclined to grant him the privilege of bail which is accordingly, rejected.

(Rajiv Roy, J)

Jagdish/Neha/-

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