

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30815 of 2022**

Arising Out of PS. Case No.-21 Year-2022 Thana- THARTHARI District- Nalanda

BASO GOPE @ VASU GOP LATE BALESHWAR GOPE R/O- VILLAGE-
MEHTRAWAN, P.S.- THARTHARI, DIST.- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 30-08-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The son of the informant is subjected to the gun shot
injury inflicted by the petitioner and others due to which he died
during course of treatment.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that it
appears from the F.I.R. itself that there is general and omnibus
allegation against the petitioner and no specific allegation of
assault is attributed to him. In fact, the specific allegation of



inflicting gun shot injury upon the chest of the victim (deceased) is attributed to the co-accused, Sanjay Gope, and this petitioner happens to be unfortunate father of the main assailant and on that ground alone, he has been implicated in this case whereas he has not played any role in the alleged occurrence. He further submits that the doctor, who conducted the postmortem, has found only one entry wound and one exit wound on the person of the deceased caused by a firearm, which has already been ascertained by the prosecution version as to who has inflicted the firearm injury to the deceased resulting into his death. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 09.02.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that though it is a case of murder but the fact remains that petitioner happens to be father of the main assailant, who allegedly fired upon the deceased, and that cannot be the ground for prosecution of the petitioner in this case especially in absence of any specific case of assault against the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below



where the case is pending in connection with Tharthari P.S. Case No. 21 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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