

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31069 of 2022

Arising Out of PS. Case No.-26 Year-2022 Thana- SAKURABAD District- Jehanabad

GOPI KUMAR S/o Sri Raj Kumar Sharma R/o village- Ghejan, P.S.-
Shakurabad, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv.
	:	Mr. Madhumay Madhup, Adv.
	:	Mr. Nishikant, Adv.
For the Opposite Party/s	:	Mr. A.G

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-11-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Shakurabad P.S. Case No. 26 of 2022 registered for the offences punishable under Sections 341, 323, 307, 504, 120(B) of the Indian Penal Code thereafter Section 302 of the Indian Penal Code was also added in the F.I.R.

As per prosecution case, accusation against the petitioner is that he ordered to kill the informant's son namely Sanoj Kumar, thereafter co-accused Ankit Kumar took out pistol from his waist and shot at informant's son due to which



informant's son fell down.

Learned counsel for the petitioner submits that petitioner is in custody since 02.03.2022. Petitioner bears two criminal antecedents. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner does not have any balughat and has no such business of selling sand. The allegations against the petitioner of ordering the co-accused to kill the son of the informant for the reason of not taking sand from ghat has no legs to stand upon. There is no independent eye witness against the petitioner. Learned counsel further submits that the allegation against the petitioner is that he is only an order giver.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jehanabad in connection with Shakurabad P.S. Case No. 26 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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