

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32430 of 2022**

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

MANI GOP S/o jailal Gop @ Jai Gop @ Jai Gop Resident of Village-  
Mehtarma, P.S.- Tharthari, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Satyendra Prasad, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, A.P.P.

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

2      31-08-2022                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be  
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the  
offences punishable under Sections 302/34 of the Indian Penal  
Code and Section 27 of Arms Act.

According to prosecution case, in brief is that the  
informant namely Arjun Gop aged about 55 years has given  
statement before the police stating therein that on 06.02.2022  
when he taken away the buffalo in Bathan then he heard sound  
of Goli (Pellet) in two times in the meantime my nephew  
Barahan Gop (22 years) has come and said that Sanjay fired on  
Baiju thereafter he run away there then he saw Sanjay Gop is



running away with firing I saw my son Baiju fell down on the Dalan of my younger brother Shambhu Gop. Thereafter, Shambhu Gop said neighbor Pallu Gop was abusing his brother and his wife. Then Shambhu Gop said that he scolded his nephew in the meantime Sanjay Gop's father and cousin Mani Gop came there with Lathi, Danda, Pistol and abusing them. In the same time my son was coming from his house then Sanjay Gop fired upon him by country made pistol which was hit on left chest of Baiju Gop, thereafter Sanjay Gop fled away and after some times police has come and taken away for treatment but my son has died.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. that specific allegation against the co-accused Sanjay Gop who fired upon the son of the informant namely Baiju. He further submits that as per F.I.R. there is no specific allegation against the petitioner and the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Baso Gope @ Vasu Gope has been granted bail by this Court vide order dated 30.08.2015 passed in Cr.



Misc. No. 30815 of 2022. The petitioner is in custody since 09.02.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Tharthari P.S. Case No. 21 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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