

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48855 of 2021**

Arising Out of PS. Case No.-172 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Gopal Bharati Son Of - Shivraj Ray R/O- Naya Tola Bhikhanpur, P.S. -
Ishachak, District – Bhagalpur

... Petitioner

Versus

The State Of Bihar

... Opposite Party

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Appearance :

For the Petitioner/s :	Mr.Subhash Kumar, Advocate
For the Opposite Party/s :	Mr. Addl Public Prosecutor
For the informant	Mr. Ashutosh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 20-01-2022 Heard learned counsel for the petitioner, the State,

the informant and perused the case diary.

The petitioner seeks regular bail in Sessions Trial No.
186/2020 registered for the offences punishable under sections
302, 380, 120B/34 of the Indian Penal Code.

As per the prosecution case, petitioner with the help
of some of his associates committed murder of his house owner
and his maid. Accused persons also committed robbery and fled
away taking cash, papers, smartphone and four wheeler of the
deceased house owner.

Learned counsel for the petitioner submits that there



is no eye witness of the occurrence. Petitioner has falsely been implicated in this case on the basis of suspicion as he happens to be the tenant of the deceased and there was dispute between them over vacating the house. No incriminating material has been recovered from the conscious possession of the petitioner. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 7.3.2020.

Learned counsel for the State and the informant oppose the prayer for bail and submit that it is the case of double murder. Learned counsel for the informant submits that the petitioner was the tenant in the house of the deceased and the accused was not acceding the requests of the deceased to vacate the house. There is allegation that the accused petitioner had given threat to both the victims. He submits that during course of trial, Prosecution witness Arvind Kumar has stated in his 164 Cr.P.C. statement that the petitioner and his two associates had come to his house using the car of the deceased but they fled away from his house without informing him. It is also submitted that the trial is in progress and till date three witnesses have already been examined.

Considering the nature of accusation against the petitioner and the progress of the trial, prayer for bail of the



petitioner is refused.

Let the trial be expedited.

(Prabhat Kumar Singh, J)

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