

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51274 of 2021

Arising Out of PS. Case No.-138 Year-2020 Thana- KARAI PARSURAI District- Nalanda

PIYARI GOPE S/O KUNNA MUKHIYA @ RAJ NANDAN YADAV R/o
village- Medhma (Mehwa), P.S.- Karai Parsurai, District- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-04-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Karai Parshurai P.S. Case No. 138 of 2020 registered for the offences punishable under Section 147/148/149 / 341/ 323/ 504/ 506/ 307/ 120(B)/ 114/ 115/ 332/ 333/ 353/ 356/ 379/ 336/ 337/ 338/ 143/ 145/ 427/ 150/ 151/ 152/ 109 of the Indian Penal Code.

According to the prosecution case, the petitioner has been made accused amongst 22 named and 150 unnamed accused in the First Information Report who had allegedly assembled near the dead body of a boy aged about five years and had indulged in quarrel with the police party in course of protest.

Learned counsel appearing for the petitioner submits



that the petitioner is innocent and has falsely been implicated in this case. He further submits that altogether 22 persons including the petitioner have been named in the F.I.R. and 150 persons are said to have been unknown but no specific allegation of assault or commission of any overt act is attributed to the petitioner rather the petitioner is said to be a member of unlawful assembly. He further submits that the co-accused, namely, Vina Gope @ Bijendra Gope @ Vijendra Gop, has already been granted bail by a co-ordinate Bench of this Court vide order dated 19.08.2021 passed in Cr. Misc. No. 22643 of 2021. 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 24.11.2020.

Learned A.P.P. for the State has opposed the prayer for bail of 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 Karai Parsusari P.S. Case No. 138 of 2020 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)

brajesh/-

U		T	
---	--	---	--

