

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44909 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- NAYAGAON District- Begusarai

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GOPAL KUMAR @ MAHABHARAT @ RANJAN KUMAR @ RAJAN
KUMAR Son of Shankar Singh Resident of Village - Gorgama, P.S.- Naya
Gaon, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Bhardwaj

For the Opposite Party/s : Mr.Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2022 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.

Learned counsel for the petitioner filed

supplementary affidavit. Let it be kept on record.

The petitioner seeks bail in connection with

Nayagaon P.S. Case No. 16 of 2022 registered for the

offences punishable under Sections 147, 148, 149, 323, 307,

387, 504, 506, 379 of the Indian Penal Code and Section 27

of the Arms Act.

As per prosecution case, five-six persons



entered into the house of informant with intention of dacoity. The accused persons, who entered into the house of the informant, started looting and searching the key of almirah. When the informant protested the same co-accused Balram Singh pointed pistol upon the sister-in-law (Bhabhi) of the informant and due to fear her sister-in-law gave Rs. 10,000/- to co-accused Balram Singh. It is further alleged that accused persons asked for key of almirah when the informant refused the same, co-accused Ghanshyam Singh fired upon the informant which hit the stomach of the informant and co-accused Shankar Singh fired upon the sister-in-law of the informant namely Saroj Kumari which hit her waist. It is further alleged that petitioner and others were standing outside the house.

Learned counsel for the petitioner submits that petitioner is in custody since 10.06.2022. Learned counsel through supplementary affidavit submits that 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 from bare perusal of the F.I.R., no role



attributed against the petitioner except that he is a member of mob standing outside the house. The allegation against the petitioner is general and omnibus in nature. The petitioner is innocent and has falsely been implicated in this case due to village politics. Learned counsel further submits that the petitioner's father and the informant's relative Bulbul Devi (Cousin Bhabhi) were in rival camps for the panchayat election and due to this reason the petitioner has falsely been implicated in the present case. Learned counsel further submits that no section of dacoity was alleged by police even though the facts of F.I.R. has clearly indicated that with the intention of dacoity the accused persons has entered into the house. No case of dacoity is made out against the petitioner. Learned counsel further submits that co-accused Bal Ram Singh, against whom allegation of pointing pistol upon the sister-in-law of the informant has been made, has already been granted bail vide Cr. Misc. No. 29686 of 2022 by a co-ordinate bench of this Court and the case of present petitioner stands on better footing as the petitioner is only the member of mob and standing outside the house.



The learned counsel for the informant and 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, co-accused person has already been granted bail by a co-ordinate bench of this Court, 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 after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Smt. Neha Kumari, Bhaitoria in connection with Nayagaon P.S. Case No. 16 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.

(Alok Kumar Pandey, J)

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