

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59416 of 2021

Arising Out of PS. Case No.-187 Year-2018 Thana- KHUSRUPUR District- Patna

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MONU GOPE S/o CHANDRA GOPE R/o VILLAGE-BAIKATPUR RAJA
BARA, P.S-KHUSHRUPUR, DISTRICT-PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 63117 of 2021

Arising Out of PS. Case No.-187 Year-2018 Thana- KHUSRUPUR District- Patna

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LALAN GOPE Son of Bilasi Gope Resident of Village - Baikatpur Raja Bara,
P.S.- Khushrupur, District - Patna - 803202

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 59416 of 2021)

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.A.G

(In CRIMINAL MISCELLANEOUS No. 63117 of 2021)

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 19-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with

Khushrupur P.S. Case No. 187 of 2018 registered for the offence



under Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 18.11.2021.

The allegation against the petitioner is to commit murder of the father of the informant along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that petitioner granted bail by ADJ, Patna City through BP No. 120 of 2019 on 08.02.2019. Subsequently, the bail of the petitioner was canceled by ADJ 1, Patna City, through Cr. Misc. (BC) No. 86 of 2019 on the ground that petitioner concealed his criminal antecedent and alleged to tamper evidence, for which a separate FIR being lodged, as Khushrupur P.S. Case No. 268 of 2021. It has further been submitted that Regular BP No. 880 of 2021 was again filed before learned ADJ, Patna City, which was rejected on the sole ground that consideration is without jurisdiction, for the reason that the same would amount to review of earlier order. It has further been submitted that as far merit of this case is concerned, the allegation is very much general and omnibus in nature, where the specific allegation is against the Awdesb Pandey. It has further been submitted that merely on basis of allegation as



regard to tempering of evidence, it cannot be presumed that petitioner tempered any evidence, which is the subject matter of investigation.

Learned APP duly assisted by learned counsel for the informant, Sri Nand Kishor Pd. Sinha, while opposing the prayer of bail, submitted that the petitioner concealed his criminal antecedent before the trial court and also prevented the informant along with other charge-sheeted witness to appear before the court for their deposition, for which, a separate FIR was lodged. It has further been submitted that the postmortem report of the deceased clearly speaks that how brutally deceased was assaulted.

It appears from perusal of report of trial court, bearing letter no. 90 dated 13.05.2022, that examination of only one witness i.e. Dr. Arvind Kumar has been done and examination of remaining witnesses is under process.

In view of the facts and circumstances as mentioned above, as there is specific allegation against the petitioners to prevent the informant and other charge-sheeted witness to appear before the trial court for their deposition, where trial has already initiated, this Court is not inclined to grant privilege of bail to the petitioner.



Accordingly, the prayer of bail of the petitioner is rejected.

The trial court is directed to conclude the trial, preferably, within 02 months, by taking this matter on board, on day to day basis.

Informant is also directed through his Learned counsel to assist in trial, so that all the charge-sheeted witness including the informant can be examined, within stipulated period, as above.

The S.S.P., Patna, is directed to take all steps to ensure availability of charge-sheeted witnesses, as and when directed by the trial court for expeditious disposal of the trial, within stipulated time period, as above.

(Chandra Shekhar Jha, J)

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