

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51764 of 2023

Arising Out of PS. Case No.-720 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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GOPI KUMAR @ GOPI GUPTA SON OF BIJAY PD. GUPTA @ VIJAY
KUMAR GUPTA R/O- TILAUTHU, P.S.-TILAUTHU, DISTT.-ROHTAS
... .. Petitioner/s

Versus

The State of Bihar

Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-08-2023 Heard Mr. Aryan Singh, learned Counsel for the

petitioner and learned APP for the State.

The petitioner is an accused in connection with
Aurangabad Town/Nagar P.S. Case No. 720 of 2022 registered
for the offences under sections 307 and 34 of the Indian Penal
Code and section 27 of the Arms Act lodged on 10.11.2022 by
the informant, Sri Ram Mishra.

As per the prosecution story, the informant alleged
that her sister had gone for tuition where named accused persons
shot at her. She got injured, fell down on the spot and the reason
behind the occurrence is that the accused persons have an eye
on home of the victim and was regularly threatened for that.
Accordingly, the FIR.

The police took the confessional statement of this
petitioner and according to which, Mohit Shukla who is brother-



in-law of Sudhir Dubey, who was earlier married to the victim planned the episode and further, the victim girl also took the name of Mohit, Neeraj and Sunil Mishra.

The last submission is that Sudhir Dubey, the ex-husband of the victim has since been granted bail vide Cr. Misc. No. 15613 of 2023 on 23.06.2023 (Annexure 2 to the petition).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that on his confessional statement, the name of other accused persons came.

Taking into account the fact that the victim girl has named accused persons but not this petitioner, there is a land dispute, has remained in custody since 13.11.2022 (as stated in paragraph 10 of the bail application) and do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Town/Nagar P.S. Case No. 720 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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