

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52575 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- Nowkothi Garhpura District- Begusarai

Gopal Singh @ Gopal Kumar Singh Son of Dhamaraj Singh, Resident of
Village - Nawkothi, Ward No.- 7, P.S.- Nawkothi, District – Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 120(B)/34 of the Indian
Penal Code.

According to prosecution case, it is a case of
commission of murder of the husband of the informant by all
the F.I.R. named accused persons including the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
that there is no specific allegation of any assault or overt-act
against the petitioner rather there is general and omnibus
allegation against all the accused persons including the
petitioner. He further submits that the police after investigation



submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Birju Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 21.03.2023 passed in Cr. Misc. No. 43464 of 2022 and another co-accused namely, Surbhi Saurabh @ Chhotu Kumar @ Chhotu Singh has been granted bail by a Coordinate Bench of this Court vide order dated 24.03.2023 passed in Cr. Misc. No. 64630 of 2022 and the case of the petitioner is on similar footing. The petitioner is in custody since 18.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedent other than the present one. He further submits that petitioner is on bail in Nowkothi P.S. Case No. 31 of 2008 which is mentioned in Para-3 of the bail petition.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Nowkothi P.S. Case No. 21 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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)

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