

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65151 of 2022

Arising Out of PS. Case No.-140 Year-2022 Thana- SUPAUL District- Supaul

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Gopi Kumar @ Gopi Mukhiya @ Gopi Kumar Mukhiya Son Of Late Kishun Mukhiya @ Kishun Dev Mukhiya R/O Sakin, Ward No.13, P.O. And P.S.- Supaul, District- Supaul (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raju Giri, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-03-2023 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 341, 323, 379, 325, 307, 506, 342 and 34 of the Indian Penal Code.

According to prosecution case, the petitioner forcibly took away the informant on the gun point and twisted the neck of the informant causing fracture of the backbone and further assaulted the informant by means of iron rod and lathi.

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 the date of occurrence as alleged in the FIR is 30.01.2022 but the present F.I.R. has been lodged on 11.02.2022 after delay of 11 days without giving any explanation of delay. He further submits that there is no specific allegation of any assault or



overt-act against the petitioner rather it is general and omnibus in nature against all the accused persons including the present petitioner. He further submits that there is no injury report available on record and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 21.07.2022.

The learned Additional Public Prosecutor for the State and learned counsel for the informant has vehemently opposed the prayer for bail and submits that due to present occurrence the situation of the victim is now very critical and in this regard informant has produced the medical evidence before the learned Court below. He further submits that the petitioner carries five criminal antecedents other than the present one but fairly submits on the basis of the Paragraph- 3 of the petition, that the petitioner has granted bail in all aforesaid five cases.

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 Supaul P.S. Case No. 140 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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