

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65761 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- KARAI PARSURAI District- Nalanda

1. NITYANAND GOPE S/o Rambali Gop R/o Village- Soudh Bigha, P.S.- Karai Parsurai, Distt- Nalanda.
2. Vidyanand Gope @ Vidyanand Prasad S/o Rambali Gop R/o Village- Soudh Bigha, P.S.- Karai Parsurai, Distt- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-03-2023 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323 and 302 of the IPC and section 27 of Arms Act.

The allegation against the petitioners is that they alongwith other co-accused persons armed with pistol surrounded the father of the informant. Pramindra Gope and Satyendra caught hold the hand of father of the informant and upon a motorcycle three accused persons namely, Rajiv Kumar, Bishwajit Kumar and Akhilesh Gope and on the order of Rajiv Kumar, Akhilesh Gope fired upon the chest of the informant's



father. Thereafter Uchit Gope fired upon the mouth near the nose of the informant's father.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. The specific allegation is against the co-accused Akhilesh Gope and Uchit Gope to fire upon the deceased. He further submits that as per the FIR, the petitioners are only the members of mob. Petitioner no.1 has no criminal antecedent and petitioner no.2 has one criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in



connection with Karai Parsurai P.S. Case No.139 of 2021,
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Anjani Kumar Sharan, J)

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