

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78188 of 2023

Arising Out of PS. Case No.-999 Year-2022 Thana- BIHTA District- Patna

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Gautam Gope @ Gautam Rai Son Of Govardhan Rai Resident Of Village -
Harsam Chak, P.S. - Akkilpur (DANAPUR), District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parashuram Singh

For the Opposite Party/s : Mr. Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 147, 148, 149, 307, 379, 160, 120(B), 216, 302 of the Indian Penal Code and 27 of the Arms Act.

3. As per the prosecution case, on 29.09.2022 at about 11:40 AM, informant got information that at Sone Diara near Kawariya Ghat firing is going on between two groups to assert supremacy over sand mining. When the informant reached the place of occurrence all of them fled away. Local chowkidar and villagers named all the F.I.R. named accused persons including this petitioner and in this cross firing four persons were killed.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather



general and omnibus in nature. He submits that there is no specific overt act against the petitioner. No incriminating materials, arms or any illegal articles have been recovered from the possession or house of the petitioner. Similarly situated co-accused has been enlarged on bail by a co-ordinate bench of this court vide order dated 03.07.2023 passed in Cr. Misc. No. 17246 of 2023. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Considering the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his 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) 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 Bihta P.S. Case No. 999 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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