

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8393 of 2024

Arising Out of PS. Case No.-522 Year-2023 Thana- GOPALPUR District- Bhagalpur

Rakesh Kumar Das @ Chhotu @ Rakesh S/O Late Ramesh Das R/O Village-
Gosaigaon (Gosaigown), P.S- Gopalpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Yadav, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
APP for the State as also perused the case diary.

2. The petitioner seeks bail in connection with
Gopalpur P.S. Case No. 522 of 2023 instituted for the offences
punishable under Sections 341, 307, 506/34 of the Indian Penal
Code and under Section 27 of the Arms Act.

3. The prosecution case, in short, is that the petitioner
along with other co-accused persons stopped the motorcycle of
the Informant and co-accused namely Alok Kumar Ranjan @
Santosh fired upon the Informant and her sons due to which her
son got serious gunshot injury. It also transpires from the
prosecution story that the incident was committed in
continuation of a previous incident to which accused Sunita
Devi @ Beniya Devi and Amit Kumar, nephew of Beniya Devi
had raised objection upon the Informant for unloading the goods



truck which was parked in front of their house. When the Informant stated that they will remove the truck after unloading the truck, the accused Mantosh Kumar @ Bobby assaulted Suraj Kumar, son of the Informant with iron rod and accused Amit Kumar had assaulted Sanjiv Kumar with iron rod due to which they sustained serious head injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner has committed no offence as alleged in the F.I.R. Learned counsel further submits that there is no specific allegation of assault against the petitioner. Allegation against the petitioner is general and omnibus in nature. There is a case and counter case between the parties. The petitioner has one criminal antecedent in which he is on bail as has been stated in paragraph no. 3 of the present bail application. The petitioner is languishing in judicial custody since 01.11.2023. Charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence.

5. Learned A.P.P. for the State vehemently opposes the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the



petitioner, there is a case and counter case between the parties and materials available on record, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gopalpur P.S. Case No. 522 of 2023.

(Rudra Prakash Mishra, J)

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