

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34026 of 2024

Arising Out of PS. Case No.-275 Year-2020 Thana- MALSALAMI District- Patna

Dinesh Gop @ Dinesh Rai Son of Hari Nath Ray @ Bhulla Ray R/O
Bhattipar, Samariya Gali, Samaliya Gali, P.S.- Malsalami, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Shankar Sinha

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 13-09-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. The petitioner seeks regular bail in connection with Malsalami Police Station Case No. 275 of 2020, registered for the offences punishable under Sections 341/323/307/364/201/ 506/34 of the Indian Penal Code and Section 27 of the Arms Act.
3. This is the third attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was rejected by this Court, vide order, dated 22.03.2023, passed in Criminal Misc. No. 6914 of 2023, giving liberty to the petitioner to renew his prayer for bail after six months from the date of the order, if the trial does not conclude within that period.



4. The prosecution case, as per the First Information, is that the petitioner, along with others, arrived at the house of the informant and Called his brother, Rinku, and took him away with them. The informant followed the accused persons and saw that the petitioner and others were assaulting his brother by means of lathi and sticks and when the informant objected, he was threatened by the accused persons on the gun point and was asked to go back and it has further been alleged that the informant saw the accused persons firing upon his brother with their pistols and the informant, in order to save his life, fled away from the place of occurrence.
5. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case without any material against him. He further submits that nobody has seen the alleged occurrence and the dead body of the brother of the informant has not been found by the police in course of investigation. He next submits that the petitioner surrendered before the learned Court below on 09.12.2020.
6. This Court, vide order, dated 02.08.2024, had called for a report from the learned Court below regarding the stage



of the case and in pursuance of the said order, a report has been submitted by learned 3rd Additional Sessions Judge, Patna City, and all the chargesheeted witnesses have been examined and cross-examined and the record is fixed for defence witness.

7. Learned Counsel for the petitioner submits that the prosecution evidence has been closed, statement of the accused persons under Section 313 of the Code of Criminal Procedure, 1973, has been recorded and this case is, now, fixed for argument. He next submits that this case is based on no evidence inasmuch as all the four prosecution witnesses have been declared hostile.
8. After having heard learned Counsel for the parties and taking into consideration the period of custody of the petitioner since 09.12.2020, i.e. 3 years 9 months, I am inclined to grant regular bail to the petitioner.
9. This application is, accordingly, allowed.
10. Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge, Patna City, in connection with Sessions Trial No. 685 of



2021 (Malsalami Police Station Case No. 275 of 2020).

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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