

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44411 of 2024

Arising Out of PS. Case No.-239 Year-2023 Thana- DANIYAWAN District- Patna

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1. Kara Gope @ Sanjeev Kumar, male, aged about 25 years, male, Son Of Jawahir Gope.
 2. Mantu Gope, male, aged about 38 years, Son Of Siya Saran Gope.
 3. Mantri Gope @ Mantri @ Niranjan Kumar, male, aged about 38 years, son Of Pachchu Gope @ Panchu Singh
All are resident of village - Shivchak, P.S. - Fatuha, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mickey Singh, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-07-2024 Heard Mr. Mickey Singh, learned counsel appearing on behalf of the petitioners and Mr. Harendra Prasad, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Daniyawon P.S. Case No. 239 of 2023, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the allegation made in the FIR, the accused persons including the petitioners, had fired upon the informant with an intention to kill him.



4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. He further submitted that no specific allegation of firing is against the petitioners. The allegation of firing is on co-accused Sunny Kumar. The seizure list, which has been prepared is also not reliable. He further submitted that no incriminating article has been recovered from the possession of the petitioner. Petitioners no. 1 and 3 have clean antecedent, so far as, petitioner no. 2 is concerned, he has been made accused in Fatuha P.S. Case No. 290 of 2022 under Section 30 (a) of the Bihar Excise Act, in which he is on bail. On these grounds, learned counsel submitted that petitioners being innocent, deserve to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that specific allegation of indiscriminate firing is on co-accused Sunny Kumar. Petitioners no. 1 and 3 have clean antecedent, so far as, petitioner no. 2 is concerned, he has been made accused in Fatuha P.S. Case No. 290 of 2022 under Section 30 (a) of the Bihar Excise Act, in which he is on bail and in this regard, petitioners have made a



specific statement in paragraph no. 3 of the bail application. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four 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 learned JMFC, Patna City, in connection with Daniyawan P.S. Case No. 239 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. **The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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