

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75735 of 2024

Arising Out of PS. Case No.-511 Year-2024 Thana- ALAMGANJ District- Patna

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Kharbar Gope @ Yogendra Kumar Son of Late Ram Prasad Resident of
Village - Bari Patan Devi Lane, P.S. - Alamganj, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shyam Kishore

For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-10-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 120B and 34 of the
Indian Penal Code and Section 27 of Arms Act.

3. Learned counsel for the petitioner next submits that
petitioner has antecedent of two cases and the informant alleges
that on 23-6-2024, her husband was watering flowers at the
door, when two accused came on a motorcycle and fired
indiscriminately killing her husband. It is next alleged that her
husband used to carry work of buying and selling properties
with the petitioner and other named accused persons and on
account of old dispute relating to land, her husband has been
killed, next alleges that on 8-3-2023, on the day of Holi,



petitioner and others assaulted her husband and got him arrested.

4. The learned counsel appearing on behalf of the petitioner submits that from perusal of allegation as alleged in the FIR, it would manifest that informant was knowing the petitioner from before, but then does not alleged that he was also present at the place of occurrence. It is next submitted that no doubt the petitioner and the deceased were known to each other as there were having business transactions but then petitioner came to be implicated in the instant case based on suspicion that he conspired with other accused persons in getting the occurrence committed. It is next submitted that though in the FIR, it is alleged that on the day of Holi, the petitioner and other assaulted her husband and got him arrested, but then the said allegation is vehemently denied. It is next submitted that the deceased had come to the house of the Shishir Kumar on 24-8-2018 at 11 pm and was hurling abuses on him and his mother for stopping the illegal demolition of construction, thereafter a police case was instituted against the deceased being Alamganj PS Case No. 458 of 2018, for which the family of the deceased is holding a grudge against the petitioner also for the reason that petitioner is a friend of Shishir



Kumar. It is next submitted that on 8-3-2023 at 4 pm on occasion of Holi, the deceased made firing from his illegal firearms in a drunken condition based on which Alamganj PS Case No. 204 of 2023 dated 8-3-2023 was instituted against him under Arms Act read with Section 37 of the Bihar Prohibition Act as such the allegation that it was petitioner and others at whose behest the deceased was arrested stands falsified. It is next submitted at the cost of repetition that allegation against the petitioner hinges around suspicion. It is further submitted that similarly situated co-accused, Shishir Kumar, had approached this court seeking anticipatory bail by filing Cr. Misc No. 60774 of 2023 and the same was allowed by an order dated 1-10-2024 and the case of the petitioner, if not akin, is similar to the case of Shishir Kumar and the petitioner is seeking regular bail and is in custody since 24-6-2024. It is next submitted that petitioner will not abscond rather will cooperate in the trial to prove his innocence.

5. Learned APP a opposes the prayer for bail for the petitioner.

6. Considering the submission made by learned counsel for the petitioner, let the petitioner above named be released on bail 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 trial court where the case is pending/successor court in connection with Alamganj P.S. Case No. 511 of 2024.

7. One of the bailors of the petitioner shall be his son, Vicky Kumar.

8. It is made clear, if the learned trial court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned trial court shall forthwith cancel his bail bonds after recording reasons.

(Satyavrat Verma, J)

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