

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83525 of 2024

Arising Out of PS. Case No.-326 Year-2020 Thana- CHANDI District- Nalanda

Surendra Gope @ Surendra Prasad S/O Ram Chandar Gope Resident of
village- Paharpur, P.S.- Chandi, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar No. I, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Chandi P. S. Case No.326 of 2020 dated 06-08-2020, instituted
for the offence punishable under Sections 147,148,149, 447,
448, 341, 323, 307, 302, 504 and 506 of the Indian Penal Code.

3. The prosecution case in short is that on 05.08.2020
while the informant was seated at his door with his son and
other family members and his neighbour, namely, Ram babu
was also seated there with his family, in the meantime,
petitioner along with other accused persons came there with
lathi, Danda and started quarreling. It is further alleged that on
the orders of petitioner and co accused namely, Dashrath Gope,
and Ramchandra Gope, co-accused Madan Gope took the pistol



in his hand and shot the granddaughter of the informant, namely, Shanti Kumari in her head, who was playing on the terrace of his neighbour, on account of which she fell down and thereafter all the accused persons started firing with the intention of killing the informant and his family members.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. He submits that there is no specific allegation against the petitioner, he is only the order giver. The specific allegation of firing on the head of the informant's granddaughter, namely, Shanti Kumari is against co-accused Madan Gope, who died at the spot. There is no allegation of any overt act against this petitioner. It is submitted that petitioner lodged a case bearing Chandi P.S. Case No. 206 of 2020 against the informant and others under Sections 447, 147, 149, 341, 323, 354, 504 and 379 of the IPC due to which, the petitioner and his family members have been made accused in this case. It is further submitted that police after investigation, not found the complicity of the petitioner in the instant case and submitted supplementary Final Form No. 246 of 2020, dated 31-10-2020 with respect to other accused persons. Thereafter, the petitioner has been sent up for trial *vide* Final Form No. 375 of 20221 dated 11-06-2021



under the instruction of Superintendent of Police. Lastly, it has been submitted that petitioner has one criminal case against him.

5. Learned A. P. P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Chandi P. S. Case No.326 of 2020, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM Hilsa Nalanda, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7.The application stands allowed.

(Khatim Reza, J)

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