

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38672 of 2024

Arising Out of PS. Case No.-389 Year-2021 Thana- ALAMGANJ District- Patna

Teni @ Rohit Kumar Son of Raju Gope Resident of Mohalla- Belwarganj
(Near Bagicha), P.S- Alamganj, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 41506 of 2024

Arising Out of PS. Case No.-389 Year-2021 Thana- ALAMGANJ District- Patna

Guddu Gope SON OF CHHATANKI GOPE VILLAGE- BELWARGANJ,
NEAR BAGICHA PS- ALAMGANJ, DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 38672 of 2024)
For the Petitioner/s : Mr. Ansul, Sr. Adv.
For the Opposite Party/s : Mr. Pranav Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 41506 of 2024)
For the Petitioner/s : Mr. Raj Bansh Dubey
For the Opposite Party/s : Mr. J.K. Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 17-01-2025 Heard Mr. Ansul, learned Senior Counsel for the

petitioner in Cr. Misc. No. 38672 of 2024, Mr. Raj Bansh

Dubey, learned counsel for the petitioner in Cr. Misc. No. 41506

of 2024 and learned APPs.

2. The petitioners are in judicial custody in connection

with Alamganj P.S. Case No. 389 of 2021 for the offences



punishable under section 302, 120B of the IPC and section 27 of the Arms Act IPC lodged on 06.07.2021 by the informant, Sujata Devi.

3. As per the prosecution story, the informant alleged that while her husband was sitting in an auto outside, she heard the sound of gun fire, rushed to the place and found the named accused including these petitioners opening fire. As the locals assembled, in two motorcycles the accused escaped. The injured was rushed to Nalanda Medical College Hospital where the doctor declared him dead. Accordingly, the FIR.

4. Learned Senior Counsel for the petitioners submits that a perusal of the FIR would show that omnibus allegation has been made, the lady herself has narrated that upon hearing sound of gun shot, she rushed to the place and as such, who opened fire killing her husband on the spot is not clear. Further, Vinod @ Vinod Gope and Ranjit Gope have been extended relief in Cr. Misc Nos. 30016/2023 and 68161/2022 respectively. The last submission is that they are in custody since 05.02.2024.

5. Learned APPs, on the other hand, opposed the prayer and have taken this Court to the case diary to show that most of the accused persons in police custody have confessed



their crime and further submitted that the petitioners have got criminal antecedents.

6. Learned Senior Counsel submits that the petitioners have already remained in custody for almost a year and if granted relief, shall be diligently appearing in the trial in which the charges have been framed but the trial is yet to commence.

7. A report was called for from the trial court and as per letter no. 94 dated 30.09.2024, charges have been framed and notices have been issued to the witnesses.

8. Considering the submissions put forward by the parties as also the fact that the two petitioners have remained in custody for almost a year, the charges have been framed but the trial is yet to commence, an undertaking has been given that they shall be diligently appearing in the trial, similar placed co-accused have granted relief, as stated above, in that background, this Court is inclined to extend them the privilege of bail.

9. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Patna City, Patna, in connection with aforesaid P.S. Case subject to the



following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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