

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1339 of 2025

Arising Out of PS. Case No.-268 Year-2021 Thana- GOPALPUR District- Gopalganj

1. MARKANDEY RAI @ MARKANDEY RAI SHARMA S/o Late Pahwari Rai Resident of Village- Ahirauli Dubauli, Police Station- Gopalpur, District- Gopalganj, Bihar
2. Mrityunjay Kumar Rai @ Punna Rai @ Tunnu Rai S/o Birendra Kumar Rai R/o vill - Ahirauli Dubauli, P.s.- Gopalpur, Distt.- Gopalganj, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Govt. of Bihar, Patna BIHAR
2. The Director General of Police, Bihar, Patna
3. The Senior Superintendent of Police, Gopalganj Bihar
4. The Officer-in-Charge, Gopalpur P.S. Gopalganj Bihar
5. Investigating Officer of Gopalpur P.s. Case No. 268 of 2021, P.s.- Gopalpur, Distt.- Gopalganj Bihar
6. Aseraj Ram S/o Late Rama Ram R/o vill - Ahirauli Dubauli, P.S.- Gopalpur, Distt.- Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rahul Kumar Dubey, Advocate
For the State	:	Mr. S.C.16
For the respondent no.6	:	Mr. Shubhesh Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-07-2025 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the respondent no.6.

2. This application has been filed for seeking following relief:

(I) For issuance of appropriate writ/ writs, order /orders, direction/directions to the respondent authorities particularly the respondent no. 3 to direct the



respondent no. 5 to send the video footage and still photography presented by the petitioners to the Forensic Science Laboratory for verification of its genuineness as on that basis Final form has been submitted against both the petitioners and further to stay the proceeding initiated against these petitioners by order dated 23.11.2024 passed by the learned Additional Sessions Judge- III, Gopalganj in Session Trial No. 753 of 2023 whereby and whereunder the learned Court while exercising his powers under Section 358 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS") ordered to summon the present petitioners along with 5 other accused persons in Gopalpur P.S. Case No. 268 of 2021 to join the trial for the offences under sections 147, 148, 149, 323, 324, 302, 307, 448, 354(B), 504 and 506 of the Indian Penal Code, 1860 while their accusation is still under consideration before this Hon'ble Court in Cr.Rev.No. 792 of 2023.

3. This application is disposed of with liberty to the petitioner to file an appropriate application under Section 311 of Cr.P.C./Section 348 of B.N.S.S. at an appropriate stage in the pending trial and if, such an application is filed, the same shall be considered and disposed of by the Court below in accordance with law.

4. Since the petitioners have been summoned to appear in the trial under Section 319 of Cr.P.C./Section 358 of



B.N.S.S. and the learned counsel for the petitioners submits that the petitioners are ready to face the trial and co-operate in the trial, as such on the first appearance of the petitioners in the Trial Court, they shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court Below in connection with Gopalpur P.S. Case No.268 of 2021.

(Sandeep Kumar, J)

anand/-

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