

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52848 of 2025

Arising Out of PS. Case No.-341 Year-2023 Thana- NOORSARAI District- Nalanda

1. Methu Gope @ Methu Prasad son of Sidheshwar yadav @ Singesar Gope Vill - Atwalchak, P.S - Tharthari, Dist - Nawada
2. Ashok Yadav @ Ashok Kumar son of Methu Gope @ Methu Prasad Vill - Atwalchak, P.S - Tharthari, Dist - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the State : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Sessions Trial No. 109 of 2025 arising out of Noorsarai P.S. Case No. 341 of 2023 dated-18.07.2023, registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation, when the deceased Rajiv Kumar along with his sister Reshma Kumari was in market at Noorsarai in Nalanda District, he was shot dead by the accused/petitioners, namely, Ashok Yadav and Methu Gope.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in this case. He further submits that out of nine charge-sheet witnesses, six witnesses are private witnesses including the informant and Reshma Kumari, eye-witness and out of these six private witnesses, five witnesses including the informant and Reshma Kumari have been examined. However, they have not supported the prosecution case against the petitioners. They have clearly stated that they do not know who had killed the deceased nor had they seen anybody killing the deceased. They have been declared hostile. A Copy of the evidence of these witnesses have been filed on record.

5. He further submits that the petitioners have been languishing in jail since 27.10.2024.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioners have fifteen criminal antecedents.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

8. However, learned APP for the State vehemently opposes the prayer of the petitioners for bail.

9. Considering the evidence of the prosecution witnesses before the Trial Court including the informant and the



eye-witness, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court below in connection with Sessions Trial No. 109 of 2025 arising out of Noorsarai P.S. Case No. 341 of 2023, on the following conditions:

(i) The petitioners will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, other than the disclosed one, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents



despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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