

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5631 of 2025

Arising Out of PS. Case No.-372 Year-2022 Thana- BYPASS District- Patna

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Gopi Kumar @ Gopi Kumar Thakur, aged about 32 years, male, S/O Late
Gopal Lal, R/O Bagh Kaloo Khan, Ward No.65, P.S.- Khajekala, Dist.- Patna
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 19-03-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Bye
Pass PS Case No.372 of 2022 dated 07.09.2022, instituted for
the offence punishable under Sections 302/34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that while the
informant's brother and one Chandan Kumar were standing near
Shitla Mandir Road, Roopwati Community Hall, after parking
his *Scooty*, some criminals attacked and fired upon the brother
of the informant, which hit on his cheek and when Chandan
Kumar intervened, criminals also fired on him which hit on his
head. It is also alleged that both i.e., the informant's brother and
Chandan Kumar succumbed to the gun shot injury.



4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. FIR is against unknown. Only on the basis of confessional statement of Sanjay Kumar Keshri @ Chiku Kumar, the petitioner and Vicky Kumar @ Tiktik have been made accused in this case. Nothing has been recovered from the possession of the petitioner. There is no material in the case diary. Further submission is that Sanjay Kumar Keshari @ Chiku Kumar in whose confession name of the petitioner and co-accused Vicky Kumar @ Tiktik has come has been granted bail by this Court vide order dated 24.05.2023 passed in Cr. Misc. No.26494 of 2023. Co-accused Vicky Kumar @ Tiktik has also been granted bail by this Court vide order dated 23.05.2024 passed in Cr. Misc. No.20796 of 2024. Further submission is that other co-accused, namely, Ganesh Kumar, Rahul Kumar @ Mod @ Rahul Rai @ Mor and Ashish Pandey have been granted bail by different co-ordinate Benches of this Court vide Cr. Misc. No.5266 of 2023; Cr. Misc. No.15342 of 2023 and Cr. Misc. No.16929 of 2023. Lastly, it is submitted that the petitioner is in custody since 17.10.2022 having seven criminal cases against him.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional District & Sessions Judge-IV, Patna City, Patna, in S.T. No.801 of 2023 arising out of Bye Pass PS Case No.372 of 2022, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail, and (v) the petitioner within two weeks from the date of release from jail custody shall appear before the SHO of his area along with a copy of this order and thereafter shall appear every



fortnightly to mark his attendance till the conclusion of the trial.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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