

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35075 of 2015

Arising Out of PS.Case No. -164 Year- 2001 Thana -MOKAMAH District- PATNA

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1. Rajeev Gope Son of Late Saryug Gope, resident of village - Moldiar Tola, Mokama, P.s. - Mokama, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Suresh Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

6 11-01-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Mokama P.S. Case No. 164 of 2001 registered for the offences punishable under Sections 147, 148, 149, 302 and 307 of the Indian Penal Code Section 27 of the Arms Act.

The petitioner is named in the F.I.R. but against the petitioner there is no allegation that he opened fire, specific allegation for opening fire and causing death is against co-accused Naga Singh and others.

Submission is of false implication and that the petitioner has been remanded in this case on 09.08.2012 and since then he is in jail custody, having no fault of his own. Chargesheet

was submitted in this case on 20.10.2004 but petitioner was not aware of implication in the present case and he could not surrender and seek bail earlier. Naga Singh against whom allegation of firing is there has been sent up for trial and he has been acquitted vide Sessions Trial No. 663 of 2007.

The learned A.P.P. fairly submits that against the petitioner there is no specific allegation.

In the facts and circumstances stated above, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Additional Sessions Judge-III, Barh, Patna arising out of Mokama P.S. Case No. 164 of 2001 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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