

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4021 of 2017

Arising Out of PS.Case No. -343 Year- 2016 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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Vikash Gope, son of Arvind Gope @ Vikku Gope, resident of village-
Rupaspur, Police Station-Chiksaura, District-Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Sri Satyendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 06-03-2017 Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 399 and 402 of the I.P.C and sections 25
(1-b) A, 26 and 35 of the Arms Act.

Allegedly, the police apprehended four persons but
the petitioner and others succeeded in fleeing away and the
persons who were apprehended disclosed the name of the
petitioner and others that they have assembled to commit crime.

Submission is of false implication and that the
petitioner was not apprehended at the spot, nothing has been
recovered from his possession, his name was taken in the
confessional statement of the co-accused which has got no
evidentiary value in the eye of law and as such the petitioner



deserves sympathetic consideration as he is in custody since 04.11.2016, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. submits that the name of the petitioner was taken by the co-accused and the petitioner has got criminal antecedent.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M- 1st, Hilsa, Nalanda in Hilsa P.S. Case No. 343 of 2016, subject to the conditions that one of the bailors must be a 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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