

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.931 of 2017

Arising Out of PS.Case No. -6 Year- 2015 Thana -PATNA CITY CHOWK District- PATNA

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Raju Gope Son of Ramdeo Gope, Resident of Village-Mogalpura, Sui ki Masjid, P.S.-Khajekala, District-Patna.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant : Mr. Mukesh Kumar Jha, Advocate.

For the Respondent : Mr. Sadanand Paswan, APP.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 08-05-2017 Heard learned counsel for the appellant as well as learned Spl. PP.

The deceased Abhishek Kumar Das who had gone to bring medicine for his wife did not return at late night whereupon his brother, informant made call. Abhishek Kumar Das disclosed that he was along with his friend Pintu and is coming just half an hour. Again call was made by the informant whereupon he disclosed that he is still at the chowk. As he did not return, 3rd call was made and during course thereof, his mobile was found switched off. On the following day, his dead body was found in the Mirchaigali. It has further been disclosed by the informant that his brother was along with Pintu as well as Raju Gope (appellant). It has also been disclosed that about a year ago the deceased had



altercation with Pintu over a motorcycle and so, he suspected.

During course of investigation it is evident that CCTV was seen by the investigating officer installed near about the place of occurrence and as per paragraph 12, its footage was taken out. The detail is incorporated therein and subsequently thereon, the investigating officer asked for identification of the culprit from the witnesses after seeing the footage of CCTV. It is evident that so far appellant is concerned, there happens to be identification under paragraph 58, 88, 103 as well as 161 along with inculpatory extra judicial confessional statement of co-accused Ashutosh who was taken on police remand as is evident from paragraph 204.

As stated above, there happens to be conflicting evidence against the appellant and furthermore, considering the fact that Ashutosh as well as Sachin Sharma @ Rinku, consistently identified by the witnesses had already been granted bail at an earlier occasion by this Court, appellant Raju Gope 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 the Special Judge, SC/ST (POA), Patna in Special Case No. 11 of 2017, arising out of Chowk P.S. Case No. 6 of 2015 after setting aside the impugned order dated 10.02.2017 passed by the Special Judge, SC/ST (POA), Patna in Special Case



No. 11 of 2017, arising out of Chowk P.S. Case No. 6 of 2015.

Thus, appeal is allowed.

(Aditya Kumar Trivedi, J.)

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