

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38815 of 2018

Arising Out of PS.Case No. -141 Year- 2018 Thana -GOPALGANJ TOWN District- GOPALGANJ
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Deepak Pandey son of Hare Ram Pandey, resident of Mohalla- Hajiapur,
Ward No. 27, Police Station- Gopalganj Nagar, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh
For the Opposite Party/s : Mr. Sri Satyendra Narayan Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-07-2018 Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in connection with Gopalganj

Town P.S. Case No. 141 of 2018 for offences punishable under

Sections 379 and 411 of the Indian Penal Code.

The prosecution case, as lodged by the police constable,

is that while he was deputed on duty in the resident of the District

and Sessions Judge, Gopalganj, on 23.03.2018, two persons were

found cutting wire stealthily entering the house. One was

apprehended who named the petitioner to be his accomplice. From

the possession of the arrested co-accused named Teni Mian, some

articles were found in the bag for use in burglary.



It has been submitted by the learned counsel for the petitioner that he is innocent, was not apprehended by the police and his name surfaced only on the confessional statement of apprehended co-accused who was on inimical terms with the petitioner. It is further submitted that the petitioner is a Kabari, nothing has been recovered from the possession of the petitioner and he is languishing in judicial custody since 24.05.2018. He submits that the petitioner bears no criminal antecedent, is ready to cooperate in the investigation and not to tamper with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No. 141 of 2018, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner



having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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