

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25536 of 2018

Arising Out of PS.Case No. -7 Year- 2017 Thana -NAGARNAUSA District-
NALANDA (BIHARSHARIFF)

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Sanjay Gope, S/o Late Devsharan Gope @ Badhan Gope @
Late Badhan Gope @ Late Dev Baran Gope, resident of
Village- Mustafapur, P.S.- Harnaut, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 17-05-2018 The petitioner seeks bail in connection with Sessions Trial No. 393 of 2017, arising out of Nagarnausa P.S. Case No. 07 of 2017, dated 23.01.2017, instituted for the offence punishable under Sections 302/34 of the Indian Penal Code.

The daughter of the informant, who was married to one Nitish Kumar on 24.05.2015, was killed on 23.01.2017.

The petitioner happens to be the maternal uncle



of the husband of the deceased. It has been alleged in the First Information Report that because of the deceased not having good looks, her husband started ill-treating to her. The other family members also followed suit. Later, the petitioner and others brought the deceased from her parental home and on way committed her murder. On information which was provided to the informant, he along with other persons visited the place where the deceased was assaulted, leading to her death. The informant found fresh blood at the place of the occurrence. The weapon of assault, viz. knife was also available there.

Learned counsel for the petitioner has submitted that the petitioner stands in a very distant relationship with the husband of the deceased. But for the fact that the petitioner is alleged to have come to the house of the informant along with many others to take back the deceased to her matrimonial home, all further allegations against him are of a general and omnibus nature. Nothing specific has been alleged against the petitioner. So is the case with respect to the other accused persons. However, it has been submitted on behalf of the petitioner that he is suffering from AIDS and for the aforesaid purpose; he has been directed to be shifted from Hilsa Sub-Jail to Beur Jail, Patna.

The petitioner is in custody since 17.04.2017.



Up till-now, this Court has been informed, four witnesses have been examined on behalf of the prosecution before the Trial Court.

In support of the aforesaid submission, the photocopy of the depositions of the witnesses has been produced for inspection of this Court. The same is taken on record.

On perusal of the depositions of the witnesses, it appears that none of the witnesses, who have been examined so far, have stated anything specific against the petitioner.

Regard being had to the fact that the petitioner is suffering from AIDS, which gets reflected from Annexure-2, and the nature of accusation against him, coupled with the distant relationship existing between him and the husband of the deceased, the petitioner, abovenamed, is directed to be released on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-I, Hilsa, Nalanda in connection with Sessions Trial No. 393 of 2017, arising out of Nagamausa P.S. Case No. 07 of 2017.

However, it is made clear that the petitioner shall participate in the trial and his absence from the trial proceedings for two consecutive occasions, without any plausible reason, would render this bail order being cancelled.



In case the petitioner does not appear before the Trial Court or is represented through his Counsel, the Trial Court shall proceed in accordance with law towards cancellation of his bail.

(Ashutosh Kumar, J)

Praveen-II/-

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