

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3421 of 2018

Arising Out of PS.Case No. -282 Year- 2017 Thana -ALAMGANJ District- PATNA

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1. Shyambabu Gope @ Shyam Babu Yadav, S/o Late Haidar Gope, R/o Mohalla- Belbarganj, P.S.- Alamganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rina Sinha

For the Opposite Party/s : Mr. Khurshid Anwar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in judicial custody since 09.10.2017 in connection with Alamganj P.S. Case No. 282/17 for offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that his son Ajit Kumar has been killed in the garage of one Shambhu Nath by the petitioner and six other persons.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and co-accused Mithilesh Gope and Chandan Gope had hired a killer



Nakul Mahto @ Nakku, who has confessed his guilt and has been granted privilege of bail by the learned court below itself. He submits that the name of the petitioner has not been confessed and it is because of previous enmity, as both parties are agnates, that the petitioner has been named in the First Information Report. He further submits that there is no eye-witness to the alleged occurrence and charge-sheet has already been submitted.

However, learned APP for the State opposes the prayer for bail stating therein that the son of the informant has been killed in a broad day light.

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 Addl. Chief Judicial Magistrate, Patna City, in connection with Alamganj P.S. Case No. 282/17, subject to the following conditions :

- (i) 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.



(ii) 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.

(Nilu Agrawal, J)

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