

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52421 of 2018

Arising Out of PS. Case No.-340 Year-2016 Thana- HILSA District- Nalanda

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Tusa Gope, Son of Ram Chandra Gope, Resident of Village- Pakari Bigha,
Police Station- Karai Parsurai, 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, Advocate

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioner. No one
appears on behalf of the State.

The petitioner in the present case is seeking regular
bail in connection with Hilsa P. S. Case No. 340 of 2016
registered for the offence punishable under Section 396 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner has been made accused in the present case by taking
him on remand when he was arrested in connection with Hilsa P.
S. Case No. 343 of 2016 for the offence alleged under Section
396 of the Indian Penal Code. Learned counsel for the petitioner
submits that the petitioner has already been granted regular bail
by this Court in Cr. Misc. No. 47387 of 2018. It is submitted
that in the present case there is no any recovery of the looted



articles from the possession of this petitioner nor any test identification parade has been conducted so far. It is submitted that in absence of any material to connect the petitioner with the present case, he has been taken on remand. It is further submitted that in two cases mentioned in paragraph 3 of the application the petitioner is already on bail.

No one appears for the State to oppose the prayer of bail.

In the given facts and circumstances of the case wherein this Court finds that according to the petitioner there is no recovery of looted article from his possession nor any test identification parade has been conducted to identify him in connection with the present case and the co-accused have been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 21308 of 2018, 43938 of 2018 and 45728 of 2018, let the petitioner Tusa Gope be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Hilsa P.S. Case No. 340 of 2016, subject to the conditions laid down under Section 437(3) Cr.P.C. as also the petitioner shall provide one bailor from his family members having no criminal



antecedent and he would co-operate in course of trial by putting appearance on each and every date. Two consecutive failures to attend the court below in course of trial without any valid reason shall result into cancellation of bail by the trial court without looking for any application on behalf of the prosecution. The trial court prior to issuing release order will see that the petitioner has been granted bail in connection with Chandi P. S. Case No. 7 of 2014 as has been submitted by learned counsel for the petitioner.

(Rajeev Ranjan Prasad, J)

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