

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52019 of 2018

Arising Out of PS.Case No. -102 Year- 2017 Thana -GOPALPUR District- GOPALGANJ

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Sanjay Pandey S/o Late Kanhaya Pandey, R/o Vill.- Rajapur (Bhagat Tola),
P.S.- Gopalpur, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier approached this Court for grant
of bail which was rejected vide order dated 12.02.2018 passed in
Cr. Misc. No. 63397 of 2017.

Petitioner is languishing in judicial custody since
25.08.2017 in connection with Sessions Trial No. 349 of 2018
arising out of Gopalpur P.S. Case No. 102 of 2017 for offences
punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his cousin brother Sachindra Rai was not found in his house
and on search his body was recovered in a Chawar in another
Tola. Petitioner disclosed his involvement in the alleged offence



along with two other accused persons named in the F.I.R.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and just because there was a dispute between the petitioner's wife and the deceased that the name of the petitioner has been taken. He submits that there is no eye witness to the alleged occurrence and the petitioner has been made accused only on suspicion. Petitioner undertakes to cooperate in the trial on day to day basis.

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

In this regard, a report was called for from the court of learned Additional District and Sessions Judge-5th, Gopalganj regarding stage of trial which has been received by Letter No. 258 dated 18.09.2018 stating therein that if both parties cooperate the trial would conclude within six months. From the report, it is evident that none of the witnesses have yet been examined although summons have been issued.

Considering the facts and circumstances and the materials on record as well as the nature of allegations and period of custody, 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



Additional District and Sessions Judge-Vth, Gopalganj in connection with Sessions Trial No. 349 of 2018 arising out of Gopalpur P.S. Case No. 102 of 2017.

(Nilu Agrawal, J)

Devendra/Priyanka

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