

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1649 of 2019**

Arising Out of PS. Case No.-87 Year-2018 Thana- NOWKOTHI GARHPURA District-
Begusarai

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GOPAL KUMAR Son of Sri Raghwendra Yadav, Resident of Village-
Manikpur, P.S-Gadhapura, District-Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Pramod Kumar Pandey

Mr. Hemant Kumar Karan

For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

7 20-08-2019 Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for bail vide order dated
06.12.2018 passed by learned Special Judge, SC/ST Act,
Begusarai in Naokothi P.S. Case No. 87 of 2018 registered
under Sections 302, 201 and 120(B) of the Indian Penal Code,
Sections 25(1-b)a, 26, 27 and 35 of the Arms Act and Sections
3(2)(v) of the SC/ST Act.

A dead body is said to have been recovered from
the dickey of the Alto Car and driver of the car namely Sujeet



Yadav and its occupant Gopal Kumar (appellant) were apprehended from the said car. From the possession of the appellant, one loaded pistol and 15 live cartridges were recovered. Aforesaid Sujeet Yadav and the appellant confessed their complicity in the occurrence in their respective confessional statement recorded by the I.O.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to previous animosity. Car in question is hailing to the brother of co-accused Sujeet Yadav. Barring the confessional statement of the appellant and co-accused Sujeet Yadav and recovery of the pistol and live cartridges from the possession of the appellant, there is no incriminating material in the case diary indicating the complicity of the appellant in the occurrence. Said pistol has not been sent for ballistic examination to establish its use in the occurrence. Appellant was not apprehended from the car rather from his house. Confessional statement of the appellant and co-accused Sujeet Yadav recorded by the police has no evidentiary value in the eye of law. Appellant has no criminal antecedent and has been languishing in custody since 28.08.2018. Aforesaid Sujeet Yadav has been enlarged on regular bail by a



co-ordinate bench of this court vide order dated 26.03.2019 passed in Cr. Appeal (SJ) No. 369 of 2019.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to 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 the learned Special Judge, SC/ST Act, Begusarai in connection with Naokothi P.S. Case No. 87 of 2018 with condition that:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for



cancellation of bail of the appellant.

Accordingly, the impugned order is set aside and
appeal is allowed.

(Prakash Chandra Jaiswal, J)

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