

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2595 of 2023

Arising Out of PS. Case No.-91 Year-2022 Thana- DEEPNAGAR District- Nalanda

TUSAN GOPE S/o Ganga Gope R/o Village- Barkhandha, P.S.- Hilsa, Distt-
Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
08.06.2022 in connection with Deep Nagar P.S. Case No. 91 of
2022, F.I.R. dated 25.02.2022 registered for the offence
punishable under Section 395 of IPC.

The FIR of the occurrence of dacoity is against
unknown.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. Petitioner is not named in the FIR. The name of the
petitioner has been transpired during investigation on the basis
of the confessional statement of the co-accused, namely, Dipak
Kumar. Further submits that nothing has been recovered from



conscious possession of the petitioner and till date no TIP has been conducted by the prosecution and the petitioner was remanded in the present case from Nagarnausa P.S. Case No.127 of 2021 on 08.06.2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 08.06.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries six more cases other than the present one but fairly submits that out of six cases, the petitioner is on bail in four cases and rest two cases are pending for consideration, as mentioned in para-3 of the bail petition.

Considering the aforesaid fact, let the petitioner, above named, be released 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 Chief Judicial Magistrate, Nalanda (Bihar Sharif) in connection with Deep Nagar P.S. Case No. 91 of 2022, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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