

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49209 of 2022

Arising Out of PS. Case No.-129 Year-1987 Thana- KANTI District- Muzaffarpur

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GOPI RAM @ GOVIND RAM Son of Late Raghu Ram Resident of Village -
Asnagar, P.s.- Kanti, Distt.- Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 24-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Kanti

P.S. Case No. 129 of 1987 (G.R. No. 856 of 1987) (Tr. No.

1196 of 2018) , registered for the offences punishable under

Sections 395 and 397 of the I.P.C.

The prosecution case as emerges from the FIR is

that when the informant was sleeping at the door of his

house, 10-15 armed dacoits came there and pointed gun to

his chest. Therefore, all the dacoits entered into his house

and committed dacoity. It is also alleged that they also

committed dacoity in the adjoining houses.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is a poor man and suffering from paralysis and on account of ignorance he could not do the *pairvi* in this case. Hence, his bail bond was cancelled. He also submits that as per the report from the Court below, the Court is not having complete documents of this case and it is not even committed to the court of sessions. He further submits that he will cooperate in the trial, if he will be enlarged on bail.

He further submits that the petitioner has been languishing in jail since 16.03.2019.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner was granted regular bail by this Court on 02.12.1988, but on account of non-attending the Court this bail was cancelled and he was arrested on 12.04.1996, he was again granted bail on 18.05.1996 but again on account of leaving pairvi his bail bond was again



cancelled on 18.12.2003.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Sub Judge-III-Cum-Additional Chief Judicial Magistrate, Muzaffarpur in connection with Kanti P.S. Case No. 129 of 1987 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him



from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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