

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66507 of 2023

Arising Out of PS. Case No.-226 Year-2021 Thana- MANSI District- Khagaria

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Gopal Kumar @ Gopal Yadav S/O Ramsewak Yadav, R/O Village- Chukti,
P.S- Mansi, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmatma Singh, Advocate

For the State : Mr. Dr. Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 06-10-2023 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks regular bail in connection with
Mansi P. S. Case No. 226 of 2021 dated 19.08.2021, S.C. No. 89
of 2022, registered for the offence punishable under Sections
147, 148, 149, 323, 307, 302, 504 and 506 of the Indian Penal
Code.

3. Ld. counsel for the petitioner submits that vide
order dated 03.08.2022 passed in Cr. Misc. No. 8954 of 2022
the petition of the petitioner for regular bail was rejected.
However, the trial is not progressing very well and only few
prosecution witnesses have been examined till date and there is

likelihood of long time to be consumed in conclusion of the trial. He further submits that similarly situated co-accused persons, namely, Shravan Yadav, Ganvar Yadav @ Gabbar @ Rajbabbar Yadav and Ramsewak Yadav have already been enlarged on bail by the Co-ordinate Benches of this Court vide order dated 22.12.2022, 14.07.2023 and 25.07.2023 passed in Cr. Misc. No. 45100 of 2022, 41705 of 2023 and 30524 of 2023 respectively. Ld. counsel further submits that petitioner is in custody since 21.09.2021. Moreover, the allegation against the petitioner is not specific but omnibus in nature as against the co-accused who have been already enlarged on bail by Co-ordinate Benches of this Court.

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

5. Considering the aforesaid facts and circumstances, particularly release of similarly situated co-accused on bail by Co-ordinate Benches of this Court, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge-V, Khagaria, in connection with Mansi P. S. Case No. 226 of 2021, S.C. No. 89

of 2022, 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 criminal antecedents other than the disclosed one, 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.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled

by the court below.

6. 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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