

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8827 of 2024

Arising Out of PS. Case No.-77 Year-2021 Thana- VIDYAPATINAGAR District- Samastipur

GOPAL GARAI @ GOPAL GARWAI, S/O- SANJAY GARAI @ SANJAY
GARONY, R/O- VILLAGE-SHERPUR, P.S.- VIDYAPATINAGAR,
DISTRICT- SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-02-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no.343 of 2021, 111 of 2022, arising out of Vidyapatnagar P.S. Case no. 77 of 2021 registered under sections 399 and 402 of the Indian Penal Code and sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, on information having been received that the accused persons had gathered at the place of occurrence and were planning to give effect to an occurrence, it is stated that a raid was conducted by the police party. Five accused persons were caught and on interrogation they disclosed the name of the two accused who had managed to escape which included the petitioner herein.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case because of his antecedents. Neither he was arrested at the spot nor any incriminating article was recovered from his possession. The only material against him is the confessional statement of the co-accused made before police. He is in custody since 18.10.2021. Charges have been framed in the learned trial Court and the petitioner undertakes to cooperate in the trial.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the petitioner not having been arrested at the spot, no incriminating article having been recovered from the petitioner's possession and his being in custody for more than 2 years since 18.10.2021, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no.343 of 2021, 111 of 2022 (arising out of Vidyapatnagar P.S. Case no.77 of 2021) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Dalsinghsarai, Samastipur on the following conditions :-

I) The petitioner shall remain physically present in the



trial court on each date of the trial and shall cooperate in the trial.

II) In case the petitioner remains absent on any single day for reasons not to the satisfaction of the learned trial court or if the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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