

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11710 of 2024

Arising Out of PS. Case No.-161 Year-2021 Thana- DALSINGHSARAI District- Samastipur

Gopal Garai @ Gopal Garwai, Son of 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, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-02-2024 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Dalsinghsarai P.S. Case No. 161 of 2021 dated 22.06.2021
registered for the offence punishable under Section 395 of the
Indian Penal Code and later on, Sections 412 and 506 of IPC were
added.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner has been
languishing in jail since 23.11.2021 and he has been dragged in the
present matter mainly on account of his criminal antecedents and
confessional statement of co-accused and except these, there is no
material against the petitioner to connect him to the alleged
offence of *dacoity* and his trial has started and charges were
framed upon him on 20.09.2022 but till date, only one prosecution



witness has been examined which shows lingering attitude of the prosecution. Further submissions are that the FIR was registered against unknown and against the petitioner, there is criminal antecedent of six cases, out of them, he has got bail in four cases and four co-accused persons, carrying similar nature of allegation, have been granted bail by this bench as well as co-ordinate bench of this Court vide orders passed in Cr. Misc. Nos. 3953/2022, 34556/2022, 23079/2022 and 33978/2022.

4. Learned APP appearing for the State has opposed the bail prayer.

5. In the facts and circumstances of this case and considering the above submissions and mainly taking into account the petitioner’s custody period, stage of his trial and slowness of the prosecution in producing and examining the prosecution witnesses as stated above, this Court is inclined to accept the petitioner’s bail prayer. Accordingly, let the petitioner named- above 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 the concerned Court in connection with Dalsinghsarai P.S. Case No. 161 of 2021.

(Shailendra Singh, J)

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