

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52875 of 2024

Arising Out of PS. Case No.-120 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Gopal Garai @ Gopal Gorao, Son of Sanjay Gorai, resident of Village-
Sherpur, P.S.-Bidhyapati Nagar, District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar, Advocate
For the Opposite Party/s : Mr.Aditya Narayan Singh-1, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Mohiuddin Nagar P.S. Case No. 120 of 2021, registered for the alleged offences under Section 395 of the Indian Penal Code and thereafter, cognizance has been taken under Sections 395, 397 and 412 of the Indian Penal Code.

3. As per prosecution case, six unknown criminals obstructed the way of the informant, who was driving a vehicle, and fled away with his pick up vehicle loaded with a number of articles. The *dacoits* left the informant and co-passenger at some secluded place. The name of the petitioner surfaced during investigation as one of the accused persons for being involved in



the crime.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of this petitioner. The name of the petitioner transpired in this case on the basis of confessional statement of co-accused Rahul Kumar. Apart from the confessional statement of co-accused person, there is no material to connect the petitioner with the offence as alleged. No Test Identification Parade has been held. Moreover, the recovery of looted articles have been made from the other co-accused persons and not from the petitioner. The petitioner is in custody since 04.06.2022 and charge sheet has been submitted. The petitioner is having antecedent of six cases of similar nature.

5. The learned A.P.P. opposes the submission made on behalf of the petitioner. The learned APP submits that the petitioner is a habitual offender and is accused in altogether six cases of similar nature.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner, he is directed to 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 Additional Sessions Judge-X, Samastipur/court concerned, in connection with Mohiuddin Nagar P.S. Case No. 120 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) The petitioner will not indulge in similar type of offences in future.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

