

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86175 of 2024

Arising Out of PS. Case No.-107 Year-2013 Thana- SHYAMPUR BHATHAN District-
Sheohar

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Gopi Rai S/O Imrit Rai @ Amrit Rai Village- Moilnapur P.s.- Rajepur,
District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-12-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 112 of 2015, arising out of Shyampur Bhathan P.S. Case No. 107 of 2013, instituted for the offences punishable under Section 395 of the Indian Penal Code.

3. The prosecution case, in short, is that, six unknown miscreants entered into the house of the informant at night, committed loot and fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The present case is of misuse of privilege of bail



earlier granted to the petitioner. Earlier, the petitioner was granted bail on 30.09.2015 by the Court below and subsequent thereto the matter was committed to the Court of Sessions on 09.10.2015. It is also submitted that charge was framed against the petitioner on 17.04.2017. Soon after framing of charge, the petitioner stopped making any *Pairvi* in the case. The learned Court below cancelled the bail bond of the petitioner and non-bailable warrant of arrest has been issued on 15.06.2023. Thereafter, the petitioner is in custody since 24.09.2024. Thus, there is misuse of privilege of bail for six years. It is further submitted that petitioner undertakes to abide by any conditions imposed by this Court, if released on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner as also the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sessions Trial No.



112 of 2015, arising out of Shyampur Bhathan P.S. Case No. 107 of 2013, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioner.

(IV) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Rajorshi/-

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