

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9761 of 2025

Arising Out of PS. Case No.-52 Year-2006 Thana- MOHANIYA District- Kaimur (Bhabua)

Gopal Pasi, S/O Late Nathuni Pasi, resident of village- Majhari, P.S-
Mohania, District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 02-07-2025 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 Sessions Trial No. 267 of 2024, arising out of Mohania P.S. Case No. 52 of 2006, registered for the alleged offence under Section 395 of the Indian Penal Code.

3. As per prosecution case, the petitioner is an accused in a *dacoity* case of the year 2006 and the allegation is that a number of *dacoits* entered into the house of the informant and at gunpoint took away the licensed gun of the informant apart from Rs.4,000/- cash and other articles. The name of the petitioner transpired during investigation for also being involved in the *dacoity*.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner has no knowledge about the instant case filed against him. The petitioner has been named in this case in the confessional statement of co-accused persons and has been made accused due to his criminal antecedents. The other co-accused persons faced trial in Sessions Trial No. 131/2007 and they have been acquitted. The case record of the petitioner has been split up due to his absence. The learned counsel further submits that the petitioner was not having knowledge of the present case, otherwise he would have appeared in the case and faced trial along with other co-accused persons. The petitioner has been taken into custody by the police on 23.05.2023 on the basis of permanent warrant issued by the court concerned. The petitioner is having antecedent of five cases and he has been acquitted in four such cases and he is on bail in fifth case. The learned counsel also submits that charges have been framed on 24.11.2024 and, thereafter, no witness has been examined and there is no likelihood of conclusion of his trial in near future.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner. The learned APP submits that the petitioner has absconded during the period of investigation and, for this reason, proceeding under Sections 82 and 83 Cr.P.C.



took place against him and, thereafter, he was declared absconder and permanent warrant has been issued. Due to the conduct of the petitioner, his case record was split up from the record of other co-accused persons.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that the name of the petitioner came in the confessional statement of co-accused persons, who have been acquitted after trial and further considering the period of custody of the petitioner and likely delay in conclusion of his trial, the petitioner 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 VIIIth Additional Sessions Judge, Kaimur at Bhabua, in connection with Sessions Trial No. 267 of 2024, arising out of Mohania P.S. Case No. 52 of 2006, subject to the conditions mentioned in Section 480 (3) of BNSS 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) In case of absence on two 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.

(Arun Kumar Jha, J)

V.K.Pandey/-

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