

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.20877 of 2009
ASHOK GOPE
Versus
STATE OF BIHAR

02 30.06.2009

Heard both sides.

The sole petitioner seeks regular bail in a case instituted under Sections 364,302 and 120B of the Penal Code.

Learned counsel for the petitioner states that the case is based on circumstantial evidence only. Petitioner is the cousin of the informant and because of previous animosity the entire family members of the petitioner have been implicated. Learned counsel for the petitioner fairly states that in course of investigation, two witnesses have stated that the deceased was last seen with the petitioner. It appears that the dead body of the deceased was fished out from a well two days after the alleged occurrence. Learned counsel for the petitioner referring to annexure-6, submits that similarly placed co-accused, namely, Upendra Gope has been granted the privilege of bail passed in Cr. Misc. No. 25709 of 2008 under order dated 11.07.2008. It is further contended that he is in custody since 29.10.2006.

Learned A.P.P. appearing on behalf of the State and learned counsel for the informant, on the contrary, opposed the prayer for bail.

This Court, from perusal of annexure-1 finds that the trial is at the advanced stage. Learned counsel for the petitioner fairly states that five witnesses have since been examined in this case. It is the petitioner's case that no tangible evidence has been found justifying

his continuance in custody.

Having considered the submissions and after going through the materials available on record, this Court, while rejecting the present application observes as under:

Let the learned trial Court conclude the entire trial itself on or before 31st of August 2009, failing which the learned court below shall release the petitioner 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 Additional Sessions Judge, Ist, Patna in connection with Sessions Trial No. 789 of 2007 arising out of Khajekala (Mehndiganj) P.S. Case No. 187 of 2007. In the event the petitioner is granted bail in terms of the aforesaid order, the same shall

be subject to the following conditions:

- (a) One of the bailors should be the own/close family member of the petitioner
- (b) The petitioner shall appear in person on the date fixed at the trial. In case of default on two consecutive dates, the trial Court shall have liberty to cancel his bail bond and secure his arrest in accordance with law.

Sym/

(Kishore K. Mandal, J.)