

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72320 of 2018

Arising Out of PS. Case No.-205 Year-2016 Thana- SHEOHAR District- Sheohar

Gautam Kumar, Son of Krishna Raut, Resident of Village- Khairwa Darp,
P.S.- Sheohar, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh
For the Opposite Party/s : Mr. Sri Anish Chandra

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 20-12-2018

Heard learned counsel for the parties.

Petitioner seeks bail in Sheohar P.S. Case No.205 of
2016 registered for the offence punishable under Sections 399,
402, 120(B) of the Indian Penal Code.

Informant is a police officer who in his written report
has stated that after receiving confidential information that in a
orchard some miscreants were making a plan for committing
some offence, he along with armed forces reached near the
orchard and after seeing the police party, the miscreants started
to flee away but two accused persons were apprehended and
they were having knife and one motorcycle without any valid
paper. They disclosed the name of the petitioner who had
managed to flee away.

It has been submitted on behalf of the petitioner that he



was not arrested on the spot and his name has surfaced in this case on the confessional statement made by the apprehended persons and except the said confessional statement, no any other incriminating article has been recovered from his possession. Petitioner is in custody since 28.08.2018. Similarly placed co-accused Shambhu Sah has already been granted bail by a co-ordinate bench of this court vide order dated 26.10.2018 passed Criminal Misc. No. 64560 of 2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S. Case No.205 of 2016, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the



evidence or the witnesses of the case, in that case,
prosecution will be at liberty to move for cancellation of
bail of the petitioner.

Sanjay/-

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(S. Kumar, J)

