

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.12993 of 2019

Arising Out of PS. Case No.-210 Year-2018 Thana- BAHADURPUR District- Patna

GAUTAM KUMAR @ GOUTAM KUMAR Son of Upendra Sah @ Upendra Kumar Gupata, Resident of Village - Chhota Bariyarpur, P.S-Chatoni, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-03-2019 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in judicial custody since 27.07.2018 in connection with Bahadurpur P.S. Case No. 210 of 2018 for offences punishable under Section 379 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that her son had purchased a motorcycle a year back and used to park it outside the house, but on 24.07.2018 in the morning she found the motorcycle missing, which is alleged to have been stolen.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the FIR and his name surfaced on his extra-judicial confessional statement before the police in Pirbahore P.S. Case No. 424 of 2018, which has no evidentiary value in the eye of law. He submits that the stolen motorcycle of the present case has been found near the garage of one Pramod Kumar. It is submitted that charge-sheet has already been submitted and the petitioner is languishing in judicial custody for more than seven months. It is further submitted that one of the co-accused has already been granted the privilege of bail by a coordinate Bench of this court in Cr. Misc. No. 4777 of 2019 vide order dated 29.01.2019.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and two more cases of similar nature are pending against him.

Considering the facts and circumstances and the nature of allegation as well as the period of custody, let petitioner, above named, be enlarged 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 Addl. Chief Judicial Magistrate-II, Patna City, Patna, in connection with Bahadurpur



P.S. Case No. 210 of 2018, subject to the following conditions :

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
2. Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
3. If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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