

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21712 of 2019

Arising Out of PS. Case No.-455 Year-2018 Thana- BIDUPUR District- Vaishali

GAUTAM KUMAR son of Harendra Paswan, Resident of village- Salempur,
P.S.- Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 25.10.2018 in connection with Bidupur P.S. Case No. 455 of 2018, G.R. No. 5764 of 2018 for offences punishable under Sections 399, 402, 414 of the Indian Penal Code, Sections 25(1-b) a, 26, 35 of the Arms Act and Sections 8/20(a)(ii)(c), 25/29 of the NDPS Act.

The prosecution case, as lodged by the police personnel, is that on secret information that some miscreants have gathered in the mango orchard near the I.T.I., the police conducted a raid and apprehended 10 persons including the petitioner. On search from co-accused Sonelal Sah one country-made pistol with one live cartridge and a bag containing 10 kg.



Ganja was recovered, from the other co-accused some arms and cartridges were recovered and from the possession of the petitioner one live cartridge was recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that no overt act has been alleged against the petitioner and charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses. He further submits that the contraband item has not been recovered from the possession of the petitioner, rather from the possession of other co-accused and two of the co-accused apprehended with live cartridges and pistol have been granted the privilege of bail by this Court in Cr. Misc. No. 20960 of 2019 vide order dated 04.04.2019.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case is pending against him.

Considering the nature of allegations, period of custody and that charge-sheet has already been submitted, 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 Sessions Judge, Vaishali at Hajipur, in connection with Bidupur P.S. Case No. 455 of 2018, G.R. No. 5764 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.

(Nilu Agrawal, J)

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