

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40417 of 2019

Arising Out of PS. Case No.-33 Year-2019 Thana- MALI District- Aurangabad

GAUTAM KUMAR @ GAUTAM S/o Binay Singh Yadav @ Binay Yadav
R/o Village- Tendua, Haibat, P.S.- Nararikala, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 28-08-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 379, 414/34 of the Indian Penal Code registered in connection with Mali P.S. Case No. 33 of 2019.

3. It is submitted that the petitioner has been falsely implicated merely on the extra judicial confessional statement of co-accused Mantu Kumar except which there is no objective material to connect the petitioner with the alleged theft of rice from the rice mill of the informant. No recovery of the stolen rice has been made from the conscious possession of the petitioner or from his house. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Aurangabad, in connection with Mali P.S. Case No. 33 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:



- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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