

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28793 of 2020**

Arising Out of PS. Case No.-418 Year-2019 Thana- DESARI District- Vaishali

GAUTAM KUMAR @ GAUTAM BIHAR S/o Sanjai Rai Resident of
Village-Mahipura, P.S.-Jandaha, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 02-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Tarun Prasad Mandal, the learned APP, appearing for the State.

The petitioner apprehends his arrest in connection with Desari P.S. Case No. 418 of 2019, for the offence punishable under Sections 399, 402, 414/34 of the Indian Penal Code and Sections 25(1-B)a, 26 and 35 of the Arms Act.

The allegation is regarding the police having received secret information that some miscreants had assembled near the S.P.S. College, Desari and were planning to commit



some crime, whereafter, some police personnel had reached at the spot and had apprehended the miscreants with a motorcycle without registration number, however, three of them were made to flee away. It is alleged that upon interrogation, they disclosed that they were planning to commit dacoity in the shop of wholesale shopkeeper at Gazipur Chowk. The police is stated to have recovered knife, pistol, mobiles, motorcycle etc. from the said apprehended accused persons.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted by the learned counsel for the petitioner that in fact, he is having no complicity in the matter.

The learned APP appearing for the State has vehemently opposed the prayer for anticipatory bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the fact that the petitioner is having a clean antecedent and has been roped in the present case merely on suspicion, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.



Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IV, Vaishali at Hajipur in connection with Desari P.S. Case No. 418 of 2019, subject to the conditions laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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