

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20978 of 2021**

Arising Out of PS. Case No.-170 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

GAUTAM KUMAR S/O ARUN KUMAR MANDAL Resident of Lailakh,
P.S.- Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 03-11-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Jagdishpur (Goradih) P.S. Case No.170 of 2020 registered for the offences punishable under Section 392 of the Indian Penal Code and subsequently Sections 395 and 412 of the Indian Penal Code were also added. He is in custody since 05.09.2020. The petitioner has got three criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, on 29.05.2020 at about 12.30 O' Clock the informant unloaded 60 bags of cement from the tractor at shop of one Jainarayan Sah and after unloading the same he



proceeded towards his house. It is alleged that when the informant reached at Mahgama More one Scorpio came near the informant's tractor, four persons came down from the scorpio and on the point of pistol they looted away his tractor, trailer, Rs.4500 from his pocket, a mobile phone and Rs.14,400/- kept in the box of tractor.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that name of the petitioner has transpired in the confessional statement of the co-accused Vikash Kumar in connection with another case being Industrial P.S. Case No.48/2020.

Learned counsel submits that nothing has been recovered from the possession of the petitioner and there is no identification of the petitioner. It is submitted that petitioner has been remanded in this case on 05.09.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the name of the petitioner has transpired in this case on the confessional statement of the co-accused in another case and the petitioner has been taken on remand after his arrest in Industrial P.S. Case No.48/2020, the looted Mahindra Tractor and trailer have been seized from a place in front of the house of one Manchun Mandal, resident of another village and in the district of Purnia whereas the petitioner is a resident of district of Bhagalpur and the co-accused



Chandan Kumar and Banty Kumar have been granted by this Court as well as a learned coordinate Bench of this Court, the petitioner has remained in custody for over one year and the investigation against him is complete, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur (Goradih) P.S. Case No.170 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

