

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24000 of 2020

Arising Out of PS. Case No.-237 Year-2018 Thana- NOKHA District- Rohtas

GAUTAM KUMAR @ GUPTA Son of Ram Krishna Singh Resident of
Village - Lewara, P.S. Nokha, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 24-02-2021 Heard learned counsel for the parties.

This application for regular bail arises out of Nokha P.S. Case No. 237 of 2018, disclosing offence punishable under Sections 302/34 of the Indian Penal Code.

Prayer for regular bail was earlier rejected by Hon'ble the Chief Justice by an order dated 18.12.2019, passed in Cr. Misc. No. 74706 of 2019. The petitioner has renewed his prayer for bail. As per the practice, the matter ought to have been heard by Hon'ble the Chief Justice as petitioner's earlier bail was refused by His Lordship. However, the order passed by Hon'ble the Chief Justice dated 16.09.2020 in the present case reads thus :-

“Let this case be not treated as tied-up matter. List in the next week before



regular Bench as per seniority of the case.”

The matter has accordingly been listed before me under the orders of Hon’ble the Chief Justice for disposal.

Case diary was called for, which is there on record. The petitioner is in custody since 30.09.2019. It has been stated in paragraph 12 of the application that till date charges have not been framed. Learned counsel for the petitioner has submitted that implication is on the basis of suspicion only and there is absolutely no material to connect him with the offence alleged, over and above, the suspicion raised by the informant and others.

On perusal of the FIR and the case diary, I find substance in submission made on behalf of the petitioner.

Considering the circumstance that there is no cogent material collected during course of investigation, over and above, suspicion, I am inclined to grant the petitioner privilege of regular bail for the reason that he has no criminal antecedent and he is in custody since 30.09.2019. This is to be noted that in similar circumstance, other accused persons have been enlarged on bail.

This application is accordingly allowed. Let the petitioner, above-named, be released on bail on furnishing bail



bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned A.C.J.M.-VI, Sararam, Rohtas in Nokha P.S. Case No. 237 of 2018.

(Chakradhari Sharan Singh, J)

Rajesh/-

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