

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39878 of 2020

Arising Out of PS. Case No.-50 Year-2019 Thana- RAXAUL RAIL P.S. District- West
Champran

GAUTAM KUMAR @ NADDU @ NADU, S/o Mahesh Das, Resident of
Village- Manje Mai, Sthan, Raxaul, P.S.- Raxaul, Distt- East Champran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within four
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 394 of the Indian Penal Code
and Section 27 of the Arms Act.

Prosecution case in brief is that the informant on
19.10.2019 at 4.45 am went from his house toward his shop
along with his brother. It is further stated that when he reached
near “Jalebi Tree” then suddenly two persons came from the



back side and on the point of pistol they tried to snatch his bag, when the informant protested then one person came from the Railway line and exhorted to kill him. It is further stated that the informant called his brother then one known person came there, fired and also snatched Rs.42,000/- one Samsung mobile with sim and ran towards the Ashram road, the three miscreants fled away. All the culprits are aged about 30-40 years and all had covered their faces with scarf.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has falsely been implicated in this case. Petitioner is not named in the FIR. On the basis of confessional statement of co-accused the petitioner has been made accused in this case. The petitioner is languishing in custody since 08.02.2020. The similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Case vide order dated 03.02.2021 passed in Cr. Misc. No. 33990/2020.

Learned APP for the State opposes the prayer for bail petition.

In the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each in connection with Raxaul Rail



P.S. Case No. 50/2019 to the satisfaction of the learned Railway Magistrate, Bettiah, West Champaran, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) 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 reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) 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.

(Anjani Kumar Sharan, J)

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