

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5043 of 2022

Arising Out of PS. Case No.-124 Year-2013 Thana- BRAHMPURA District- Muzaffarpur

GAUTAM SAH @ GAUTAM KUMAR Son of Late Ram Sah Resident of
Village- Brahmpura, P.S.- Brahmpura, District- Muzaffarpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a
period of four weeks from today.

The petitioner seeks bail in connection with
Brahmpura P.S. Case No. 124 of 2013 registered for the offence
under Sections 342, 323, 504, 506, 307, 302, 452, 384 and 34 of
the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is not named in the FIR and is in
custody since 15.09.2021.

The allegation against the petitioner is to commit
murder of the staff of the informant along with other co-accused
persons.

Learned counsel appearing on behalf of the



petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of the co-accused, namely, Suman Srivastav and in furtherance of the said confessional statement nothing incriminating material surfaced during course of the investigation to connect the petitioner with the present occurrence. It has further been submitted that specific allegation as regard to firing is against co-accused, namely, Chandan Bhagat and Pawan Bhagat. While arguing over the matter, it has been submitted that the petitioner is a man of clean antecedent and charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP while opposing the prayer for bail, fairly conceded the fact that name of the petitioner surfaced on the basis of confessional statement of other co-accused persons.

Considering the facts and circumstances as mentioned above, as the name of the petitioner surfaced on the basis of confessional statement of the co-accused and as no incriminating material surfaced to connect the petitioner with the present set of occurrence, let the petitioner, above named, is directed to be released on bail in connection with Brahmpura P.S. Case No.124 of 20213 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned CJM, Muzaffarpur
subject to the following conditions:

“(i) Petitioner shall cooperate in the trial and shall be
physically present on each and every date before the Trial Court
till conclusion of the trial and exemption from physical
appearance be allowed by the Trial Court only on medical
ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be elder brother of the
petitioner, namely, Dinanath Kumar, who is the deponent of the
present bail petition.”

(Chandra Shekhar Jha, J)

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