

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16781 of 2022

Arising Out of PS. Case No.-407 Year-2021 Thana- PATRAKARNAGAR District- Patna

Gaurav Kumar, S/o Late Suryamani Kumar Yadav, Resident of Nandalal
Chhapra, P.S.- Ramkrishna Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Patrakar Nagar P.S. Case No. 407 of 2021 registered for the alleged offences under Sections 399, 402 of the Indian Penal Code and Sections 25 (1-b) a/ 26 of the Arms Act.

The prosecution case is that the petitioner and other co-accused persons were apprehended while making preparation for dacoity and from this petitioner, one country made pistol and one live cartridge were recovered.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing has been recovered from conscious possession of the petitioner. There is no independent witness to the seizure list. The copy of the seizure list has not been provided to this petitioner. There are three criminal cases pending against this petitioner, but he is on bail in all cases. Learned counsel further submits that other co-accused persons, namely, Rahul Raj and Dipak Kumar have been granted bail by this Court vide order dated 06.01.2022 passed in Cr. Misc. No. 70436 of 2021 and order dated 20.07.2022 passed in Cr. Misc. No. 5937 of 2022, respectively and the case of the petitioner is on similar footing. The charge sheet has been submitted in this case and the petitioner is in custody since 30.07.2021.

Learned APP opposes the prayer for bail submitting that the petitioner was caught red-handed with a country made pistol and a live cartridge. The learned APP further submits that the petitioner is having criminal antecedents.

Having regard to the submissions made hereinabove and considering the fact that charge sheet has been submitted in this case and the petitioner is in custody since 30.07.2021, the petitioner above named is directed to be



released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Patna in connection with Patrakar Nagar P.S. Case No. 407 of 2021, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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