

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36417 of 2021

Arising Out of PS. Case No.-185 Year-2020 Thana- BIHPUR District- Bhagalpur

GAUTAM KUMAR Son of Arun Kumar Mandal @ Arun Mandal Resident of
Village- Lailakh, Police Station- 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. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-01-2022 Heard Mr. Mr. Praveen Kumar, learned counsel for
the petitioner and Mr. Dilip Kumar No.1, Additional Public
Prosecutor for the State through video conferencing.

Petitioner seeks regular bail in connection with
Bihpur (Jhandapur) PS Case No. 185/2020 registered for the
offence punishable under Section 379 of the IPC.and
subsequently, Section 395 IPC was added.

The allegation, as per First Information Report, is that
some unknown thieves stolen the tractor of the informant while
the informant after parking the same on the road side went to
attend nature's call.

Learned counsel for the petitioner submits that the
petitioner is not named in the First Information Report and
subsequently Section 395 of the IPC has been added on the
basis of re-statement of the informant recorded by the



Investigating Officer in which he has changed earlier prosecution story by stating that unknown accused persons arrived on their Bolero vehicle and pulled the informant out from his tractor and kept him in the Bolero vehicle and fled away with the informant's tractor. Learned counsel next submits that name of the petitioner transpired on the basis of confessional statement of the co-accused, Bikash Kumar made in Industrial Area PS Case No. 48/2020 and thereafter the petitioner has been made accused in other three cases also, including Industrial Area PS Case No. 48/2020. Learned counsel next submits that no looted article and/or incriminating material has been recovered from the possession of the petitioner and he is in custody since 22.01.2021.

Learned counsel also submits that similarly situated co-accused, Rahool Kumar Sah vide Cr. Misc. No. 33574/2021 has been granted bail by this Court.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that no looted article has been recovered from the possession of the petitioner, he is in custody since 22.01.2021, the petitioner has not been put on TIP, charge-sheet has already been submitted and similarly situated co-accused, Rahool



Kumar Sah has been granted bail by this Court, I am inclined to grant regular bail to the petitioner subject to the condition that petitioner shall remain present on each and every date during course of trial and in case of default on two consecutive dates on the part of petitioner, his bail bond shall be liable to be cancelled.

Accordingly, let the petitioner, GAUTAM KUMAR 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-1, Naugachia, Bhagalpur in connection with Bihpur (Jhandapur) PS Case No. 185/2020.

(Anil Kumar Sinha, J)

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