

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32172 of 2022

Arising Out of PS. Case No.-67 Year-2022 Thana- SABAUR District- Bhagalpur

GAUTAM KUMAR RAI @ GAUTAM RAI S/o Madan Rai Resident of
Mohalla- Basant Vihar Colony, Zero Mile, P.S.- Zero Mile, District-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Senior Advocate
Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-09-2022 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 Sabaur
P.S. Case No. 67 of 2022 registered for the offence under
Sections 302 and 34 of the Indian Penal Code and Section 27 of
the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.02.2022.

The allegation against the petitioner is to commit
murder of brother of the informant along with other co-accused
persons, by causing firearms injury, where, suspicion raised that



occurrence is founded over previous money transactions.

Learned senior counsel appearing on behalf of the petitioner submitted that from bare perusal of FIR, it can be safely gathered that implication of this petitioner is merely on the basis of suspicion as he was one amongst the persons, who identified by the informant at the place of occurrence. It is also submitted that there is no specific allegation of firing against this petitioner rather it is categorically stated that the informant failed to identify the person surrounded her deceased brother. It is also submitted that no overt act attributed to this petitioner and as petitioner involved in disputed money transactions with brother of deceased, he has been implicated falsely. It is also submitted that the petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing for the State, opposed the prayer of bail.

Considering the facts and circumstances as mentioned above, as informant, who is claiming to be an eye-witness of the occurrence is failed to specify any overt act against this



petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sabaur P.S. Case No. 67 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Bhagalpur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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