

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43451 of 2021**

Arising Out of PS. Case No.-40 Year-2021 Thana- RAJNAGAR District- Madhubani

GAURAV KUMAR Son of Mukesh Patel Resident of Mohallah- Court Bazar,
P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate.

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

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 16-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 11.02.2021
seeks regular bail in connection with Rajnagar P.S. Case No. 40
of 2021 for the offence punishable under Section 394 of the
Indian Penal Code and Sections 25(1-b)a and 26 of the Arms
Act.

The prosecution case, in brief, is that on 11.02.2021 at
08:30 AM, two accused persons armed with desi katta entered
into the Branch of Micro Finance Limited Company at D.N.Y.
College, Chakchah, P.S.-Rajnagar, Madhubani and tried to loot,



however upon chase, the co-accused namely Manish Kumar Mandal was apprehended and he disclosed that his associates namely Gaurav Kumar (petitioner), Niraj Kumar and one unknown managed to flee away from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner nor such incident has taken place. The name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Manish Kumar Mandal who has been granted bail by this Court vide order dated 24.01.2022 passed in Cr. Misc. No. 42405 of 2021. Petitioner has clean antecedent and is in custody since 11.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the aforementioned facts and circumstances of the case, petitioner has clean antecedent, co-accused Manish Kumar Mandal on whose confession name of the petitioner has surfaced in this case has been granted bail vide order dated 24.01.2022 passed in Cr. Misc. No. 42405 of 2021, there is no allegation of tampering with the evidence or



influencing the witnesses and there is no chance of completion of trial in near future due to COVID-19, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Madhubani in connection with Rajnagar P.S. Case No. 40 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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