

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35461 of 2022

Arising Out of PS. Case No.-492 Year-2021 Thana- SARAIYA District- Muzaffarpur

Gautam Kumar Son Of Raj Mangal Mahto R/O Village- Srirampur
Kathaiyan, P.S.- Kathaiyan, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-10-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with Saraiya P.S. Case No. 492 of 2021 lodged under Sections of the I.P.C.

As per the prosecution case, allegation of dacoity is against the petitioner.

Learned counsel for the petitioner submits that petitioner's name has been figured in this case by virtue of confessional statement of accused Prince Kumar. He further submits that the petitioner was put on T.I.P. but he was not identified during course of T.I.P. Learned counsel further

submits that neither any looted item nor any incriminating item has been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 06.09.2021 having 1 criminal case pending against in which he is on bail. Learned counsel further submits that the co-accused upon whose confessional statement, petitioner was arrested, has got bail vide order dated 05.09.2022 in Cr. Misc. No. 26996 of 2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge II-nd Muzaffarpur in connection with Saraiya P.S. Case No. 492 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates

without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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