

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48627 of 2021

Arising Out of PS. Case No.-58 Year-2019 Thana- BATH District- Bhagalpur

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Gautam Ravi Das @ Gautam Kumar @ Gautam Kumar Das S/o Ramdeo Das
@ Ramdeo Kumar Das Resident of Village- Deodha, P.S.- Bath, District-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr.Pravin Kumar Sinha, Adv. Miss. Preety Kunwar, Adv.
For the Opposite Party/s :		Mr.Manoj Kumar-1

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 09-03-2022 The present petition is by way of 2nd attempt at the best of the petitioner for grant of bail in connection with S.T. No. 145 of 2021 arising out of Bath P.S. Case No. 58 of 2019, G.R. No. 5042 of 2019, instituted for the offence punishable under Sections 341, 307 of the Indian Penal Code and Section 27 of the Arms Act in as much as the earlier prayer of the petitioner for grant of bail was rejected by this Court vide order dated 03.02.2021 passed in Cr. Misc. No. 34996 of 2020.

The case of the prosecution in brief is that the husband of the informant is stated to have gone to purchase eatables on his motorcycle from the market on the alleged date and time of occurrence whereupon the informant received



information that her husband is lying on Barua Pul and then the informant and her in-laws reached there and had taken the injured husband of the informant to hospital where his treatment is stated to be going on.

The learned Senior counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 17.12.2019. The learned Senior counsel for the petitioner, Shri N.K.Agrawal, has referred to the supplementary affidavit filed in the present case to submit that the injured namely Dablu Kumar appears to be hale and hearty in as much as he had appeared before the learned trial court and was examined by the learned trial court on 18.01.2022 as P.W.5. It is also submitted that the said Dablu Kumar, in his deposition, has not stated about the petitioner having fired gun shot upon him and instead he has only stated that he could not see as to who had fired upon him.

Per contra, Mr. Manoj Kumar 1, the learned APP appearing for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the parties and taking into account the materials available on record as also considering the fact that the petitioner is languishing in custody since more than two years and the injured person upon whom the petitioner is alleged to have fired gun shot is apparently hale and hearty and in his deposition before the learned trial court, he has not disclosed about the identity of the person who had fired gun shot upon him, apart from the fact that he is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Bhagalpur in connection with S.T. No. 145 of 2021 arising out of Bath P.S. Case No. 58 of 2019, G.R. No. 5042 of 2019.

(Mohit Kumar Shah, J)

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