

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48763 of 2021

Arising Out of PS. Case No.-15 Year-2021 Thana- BANGAWON District- Saharsa

GAUTAM KUMAR Son of Mahendra Sah Resident of Thana Chowk
Saharsa, P.S.- Saharsa Sadar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-04-2022 Heard the parties through video conferencing.

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

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

Petitioner, who is in custody since 06.02.2021, seeks
regular bail in connection with Bangaon P.S. Case No. 15 of
2021 registered for offences punishable under Sections 413,
414, 467, 468, 34 of the Indian Penal Code.

Prosecution story in brief is that a raid was conducted
by the Bangaon police station near Brahma Sthan after receiving
a secret information that some miscreants used to steal vehicles
and by defacing the same they sell liquor. Upon search, one
Splendor and one Glamour motorcycles were recovered.



Petitioner was apprehended on the spot.

Learned counsel appearing on behalf of the petitioner submits that petitioner is in custody since 06.02.2021 and nothing has been recovered from his conscious possession. The seizure list has been prepared in police custody which has no evidentiary value as he was forced to put his signature on the seizure list.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that petitioner is not only engaged in illicit trade of liquor, he is also engaged in theft of motorcycle and admittedly, in the present case, two motorcycles were recovered from the possession of the petitioner along with one iron knife as such he does not deserve to be released on bail.

Having heard the rival submissions of the parties, taking into consideration the period of custody of the petitioner, who is in custody since 06.02.2021, without going into the merits of the case, the petitioner above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM I, Saharsa in connection with Bangaon P.S. Case No. 15 of 2021 subject to



the following conditions:

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

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

(iii) 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.

(iv) 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 bond.

(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(vi) The petitioner will make his attendance before the concerned police station under which his house is located every fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his



**monthly attendance report to the Superintendent of Police
having jurisdiction.**

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

