

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50307 of 2021

Arising Out of PS. Case No.-254 Year-2017 Thana- BAKHTIYARPUR District- Patna

GAUTAM KUMAR @ GAUTAM RAM S/o RAMU RAM R/o VILLAGE-BILLOUR, P.S-BARH, DISTRICT-PATNA, PRESENTLY RESIDING AT HAKIKATPUR, RENTER OF JANARDAN YADAV, P.S-BAKHTIYARPUR, DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-03-2022 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 302, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The father of the informant is alleged to have been killed by the petitioner and others.

Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence and he has falsely been implicated in this case. In fact, the petitioner has been made accused in this case merely on the basis of confessional statement of the co-accused, Govind Lal @ Gonga and except confession, nothing is on record against



the petitioner. He further submits that there is no eye witness to the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 06.03.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bakhtiyarpur P.S. Case No. 254 of 2017 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or



the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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