

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50930 of 2021

Arising Out of PS. Case No.-235 Year-2017 Thana- RAJIVNAGAR District- Patna

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Gautam Kumar Jha, S/O Sanjay Jha, R/o Mohalla- Akbar Nagar, P.S.- Akbar Nagar, District- Bhagalpur, A/P- R/o village- Gosaitola with Pankaj Kumar, in front of Petrol Pump, P.S.- Patliputra, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-03-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Rajiv Nagar P.S. Case No. 235 of 2017 for the offences under Sections 399, 402, 412 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case in short is that on secret information the police raided the place where three persons, including this petitioner, were apprehended. It is further alleged that from the possession of this petitioner Rs.7,000/-, one



mobile phone and one cartridge were recovered.

Learned counsel for the petitioner submits that the petitioner is languishing in jail since 03.09.2017 and after institution of this case, the petitioner has been remanded in other two cases, which has been mentioned in paragraph 3 of this petition. It is also submitted at the bar that other two accused persons named in the F.I.R. have already been granted bail by different Co-ordinate Benches of this Court. The co-accused Pankaj Kumar has been granted bail in Cr. Misc. No. 11011 of 2018 vide order dated 19.06.2018 and co-accused Indal Rai has been granted bail in Cr. Misc. No. 59599 of 2018 vide order dated 20.11.2018, copies of which are annexed as Annexure-2 Series to this application.

On the other hand, learned APP submitted that the trial has already been commenced. However, it is submitted on behalf of the learned counsel for the petitioner that after framing of the charge, there is no substantial progress in the trial.

Having considered the rival submissions of the parties and taking into account the period of custody and the fact that other similarly situated co-accused have already been granted bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand)



with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VI, Patna in connection with Rajiv Nagar P.S. Case No. 235 of 2017 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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