

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43415 of 2022

Arising Out of PS. Case No.-577 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

GAURAV KUMAR @ POTA SON OF RAJKUMAR RAI @ RAJKUMAR
RAY R/O VILLAGE- GACHHI TOLA INFRONT OF THE MAL-
GODOWN, P.S.- TOWN, DISTRICT- BEGUSARAI.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2022 Learned counsel for the petitioner has filed supplementary
affidavit, let it be kept on record.

Let the defect(s), as pointed out by the office, be removed
within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner seeks bail in connection with Town P.S.
Case No. 577/2021 registered for the offences punishable under
Sections 394 and 397 of the Indian Penal Code.

As per prosecution case, an attempt of theft was made by
the three unknown miscreants in the house of the informant. During
that course the husband of the informant was shot with an intention
to kill.

Learned counsel for the petitioner submits that petitioner
is innocent and has falsely been implicated in this case. The
petitioner is not named in the FIR. During course of investigation,



the name of petitioner surfaced in this case on the basis of confessional statement of co-accused Mintu Kumar @ Gachhi Paswan. The petitioner is languishing in custody since 02.11.2021 and bears criminal antecedent of one case. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has not been put on T.I. Parade till date. He further submits that except confessional statement of co-accused, there is nothing on record to demonstrate the present petitioner with the alleged occurrence. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused Mintu Kumar @ Gachhi Paswan who confessed the name of present petitioner has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.20156/2022 and other co-accused Chiranjivi Kumar @ Chiraiya and Ajay Sah @ Lalla have been granted bail by the different co-ordinate Benches of this Court vide Cr. Misc. Nos.11216/2022 and 8668/2022 respectively and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, co-accused have already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the



material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Begusarai in connection with Town P.S. Case No. 577/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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