

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50213 of 2022**

Arising Out of PS. Case No.-190 Year-2021 Thana- BATHNAHA District- Sitamarhi

GAUTAM KUMAR YADAV @ GAUTAM KUMAR S/o Purshottam Ray @
Purshottam Yadav R/o village- Paktaula, P.S.- Dumra, District- Sitamarhi
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 09-12-2022 Heard learned counsel for the petitioner and the
learned APP for the State through virtual mode in view of
COVID-19.

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

The petitioner is in judicial custody in connection
with Bathnaha P.S. Case No.190 of 2021 instituted under
Section 392 of the Indian Penal Code.

As per the prosecution story, the informant alleged
that while his staff was returning after collection of money, two
unknown criminals riding on a motorcycle looted the cash
amount as also mobile and accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that
actually there was no such incident and it was the staff himself
who cheated the informant and made allegation that led to the



lodging of the FIR. It is his submission that despite the fact that he is in custody since 22.09.2021, no T.I. Parade has been done nor anything has been recovered from his possession.

Taking into account the fact that he is in custody since 22.09.2021, no T.I. Parade has been done and as per the averment made in para-10 of the bail application, nothing was recovered from his possession, this Court is inclined to grant him privilege of bail with strict conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with Bathnaha P.S. Case No.190 of 2021 to the satisfaction of learned Judicial Magistrate, Ist Class, Sitamarhi, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall leave his district



(Sitamarhi) for a period of three month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station concerned (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan/
Ajay

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