

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60809 of 2021**

Arising Out of PS. Case No.-132 Year-2021 Thana- PATNA RAIL P.S. District- Patna

Gautam Mahto Son Of Sitaram Mahato @ Sita Ram Mahto Resident Of Loha
Ka Pul Mansha Ram Ka Akhara, Mehdiganj, P.S.- District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

5 29-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
G.R.P. Patna (Patna Sahib) P.S. Case No. 132 of 2021, lodged
under Sections 302/34 of the Indian Penal Code read with
Section 27 of Arms Act.

As per the prosecution case, the case has been filed
against unknown accused persons and allegation of 302 with 34
of the I.P.C. is there, along with Section 27 of the Arms Act in
the F.I.R.

Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R. and his name has figured in

this case by virtue of confessional statement of the co-accused namely Sanjeev Kumar. Learned counsel also submits that there is one criminal case pending against the petitioner and he is on bail in that case. Charge-sheet has already been filed in this case on 07.04.2021. Learned counsel further submits that the case of the petitioner and case of Sanjeev Kumar are on identical footing and the said Sanjeev Kumar has already been granted bail by the Co-ordinate Bench of this Court vide order dated 28.11.2022 passed in Cr. Misc. No. 3304 of 2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City, Patna in connection with G.R.P. Patna (Patna Sahib) P.S. Case No. 132 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date

fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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