

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64233 of 2021**

Arising Out of PS. Case No.-708 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

Gautam Kumar Son Of Nand Kishore Paswan @ Nand Kishor Paswan R/O
Village- Jagir Mohalla Ward No. 31, P.S.- Town, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 21-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioner, which is kept on record.

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

Petitioner seeks bail in a case registered for the offences punishable under Section 394 of IPC later on Sections 397 and 411 IPC and Section 27 of the Arms Act has been added.

The prosecution case, in short, is that the looted articles, i.e. good number of jewellerys had been recovered from



possession of one Shiva Paswan and this Shiva Paswan had named the petitioner, Gautam Kumar, about his involvement in the matter. And when the house of this petitioner was raided, the arms and ammunition was recovered from his house.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. He has falsely been implicated in the present case. He further submits that the name of the petitioner has been transpired on the basis of the disclosure made by Shiva Paswan. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the co-accused persons and the police, after investigation, submitted chargesheet against the petitioner on 19.03.2021 and the petitioner is in custody since 06.01.2021.

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

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Town Police



Station Case No.708 of 2020, 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 cancelled 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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