

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56587 of 2022

Arising Out of PS. Case No.-585 Year-2020 Thana- AGAMKUAN District- Patna

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GAUTAM KUMAR SON OF MAHESH PRASAD @ MAHESH PD.
CHAURASIYA R/o Mohalla- Janta Flat, P.S.- Agamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Ram Anurag Singh,APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is an accused in connection with S.Tr.

No. 539 of 2022 arising out of Agamkuan P.S. Case No. 585 of

2020 under Sections 302, 120(B) and 34 of the Indian Penal

Code.

As per the FIR, the informant alleged that he got

information that some unknown persons have killed his brother,

Vikash Kumar after having given him 'knife' blow. Further upon

enquiry, he came to know that the named accused persons have

played role in the killing of his brother. Thus, the present FIR



has been lodged.

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that he is not an eye-witness to the occurrence and upon information about the injury of his brother, he rushed to the place of occurrence and then his brother was taken to the hospital where he was declared brought dead.

He as such, submits that only upon his enquiry, the name amongst other the petitioner herein were taken in the FIR and the same has been parroted in the course of investigation for which he has already remained in custody since 23.01.2021(as stated in paragraph-10 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that there is allegation of knife blow against the accused persons resulting into the death of the brother of the informant, as mentioned in the order of the learned Session Judge.

Taking into account the aforesaid facts that although there is omnibus allegation of knife blow are against altogether five accused persons, the petitioner is in custody since 23.01.2021 and he do not have criminal antecedent as has been stated in paragraph 3 of the bail application, charge sheet



already stands submitted as also that the charges have been framed, this Court is inclined to grant him privilege of bail.

If however, it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Additional Sessions Judge 2nd, Patna in connection with S.Tr. No. 539 of 2022 arising out of Agamkuan P.S. Case No. 585 of 2020, subject to the 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 appear before the concerned police station every month till the conclusion of the trial to mark attendance;

(iv) 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 his bail bonds;

(v) 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)

Jagdish/Neha/-

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