

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71147 of 2021**

Arising Out of PS. Case No.-271 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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GAUTAM KUMAR @ GAUTAM RAM S/O RAMU RAM R/o Village-
Billour, P.S.- Barh, District- Patna, presently residing at Hakikatpur, Renter of
Janardan Yadav, P.S.- Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gyanendra Kumar Singh

For the Opposite Party/s : Mr.Jai Narain Thakur

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 17-10-2022 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
Gopalganj P.S. Case No. 271 of 2018 registered for the offences
punishable under Sections 395, 397 of the I.P.C. and under Section
27 of the Arms Act.

As per prosecution case, seven unknown miscreants
armed with various weapons entered into the house of informant
and on the point of fire arms committed dacoity in the house. It
is further alleged that they took away the licensee revolver of
the informant alongwith ornaments of gold, silver and cash etc.



Learned counsel for the petitioner submits that petitioner is in custody since 17.03.2021. Petitioner bears four criminal antecedents. Learned counsel further submits that petitioner is not named in the F.I.R. During the course of investigation name of present petitioner has been surfaced on the basis of confessional statement of the co-accused Ankesh Kumar. Except confessional statement of co-accused there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Nothing incriminating has been recovered from the conscious possession of the petitioner. No T.I.P. has been made till today. Learned counsel further submits that the petitioner was arrested in Bakhtiyarpur P.S. Case No. 373 of 2019 and thereafter, remanded in four cases including the present case. Impugned order itself indicates that the charge has already been framed.

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 as well as period of custody, petitioner is not named in the F.I.R., argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail



bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – III, Gopalganj in connection with Gopalganj P.S. Case No. 271 of 2018 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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