

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6863 of 2023**

Arising Out of PS. Case No.-16 Year-2022 Thana- NAYAGAON District- Begusarai

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Saurav Kumar @ Gholat Singh S/O Sri Ram Prabesh Singh Resident of  
Village- Gorgama Kawakol, P.S.- Nayagaon, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Hare Krishna Prasad, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      03-05-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Nayagaon P.S. Case No. 16 of 2022 registered on 05.03.2022 for the alleged offences under Sections 147, 148, 149, 341, 323, 307, 387, 504, 506, 379 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, a number of miscreants including the petitioner entered into the house of the informant and started looting household articles on gun point. They took away cash and boxes from the house of the informant and on firing made by the co-accused persons the informant and his



sister-in-law (Bhabhi) received injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and from the fact of the FIR no offence under Sections 307/387/379 of the Indian Penal Code is made out against the petitioner. The allegation under those sections is specific against other co-accused persons. There is no allegation that the petitioner has used any firearm in the occurrence and hence, no offence under Section 27 of the Arms Act is also made out against the petitioner. From the FIR it is apparent that the petitioner can be stated to be a member of unlawful assembly and no specific overt act has been alleged against him. Learned counsel further submits that vide detailed order by this Court as well as Co-ordinate Bench co-accused persons namely, Bal Ram Singh and Gopal Kumar have been granted bail vide order dated 05.09.2022 passed in Cr. Misc. No. 29686 of 2022 and vide order dated 24.11.2022 passed in Cr. Misc. No. 44909 of 2022, respectively. Learned counsel further submits that it is apparent from the two orders that there is land dispute between the parties and the prosecution story about dacoity is not believable. The petitioner is in custody since 10.06.2022 and charge sheet has been submitted.



The petitioner has got no criminal antecedent.

5. Learned APP opposes the prayer for bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no specific overt act has been attributed against the petitioner and further considering the grant of bail to co-accused persons and also considering his period of custody and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Begusarai in connection with Sessions Trial No. 874 of 2022, arising out of Nayagaon P.S. Case No. 16 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the



bail bond of the petitioner will be liable to be  
cancelled by the court concerned.

(Arun Kumar Jha, J)

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