

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12921 of 2023

Arising Out of PS. Case No.-157 Year-2022 Thana- GWALPARA District- Madhepura

GAUTAM KUMAR Son of Bharat Yadav Resident of Village- Sukhasan,
P.S.- Gwalpara O.P., Arar, District- Madhepur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 16.07.2022, in connection with Gwalpara (Arar O.P.) P.S. Case No. 15766 of 2022, F.I.R. dated 12.07.2022 registered for the offences punishable under Sections 363, 366 of the Indian Penal Code.

The prosecution case, in brief, is that on 03.07.2022 the informant came to his house along with his wife and one daughter aged about 2 years from her Sasural and on the same night his wife came out of house for natural call and she did not return. It is further alleged that before marriage one person used to talk with her wife on her mobile and during course of fleeing away his wife Khusboo Kumari was also taken all his ornaments



and Rs. 15000/- cash and went away from the Sasural after left her small children Sakshi Kumari.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case only on the basis of suspicion and the CDR suggests that the petitioner was in touch with the victim and the victim also used to talk with the petitioner before the marriage. He further submits that from bare perusal of the F.I.R. it appears that the alleged date of occurrence is on 03.07.2022 but the F.I.R. was instituted on 12.07.2022 after delay of nine days after thought only to implicate the petitioner in the present case without giving any explanation of delay. He further submits that except the aforesaid, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted chargesheet against the petitioner under Sections 363, 364, 34 of the Indian Penal Code and the petitioner is in custody since 16.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Judicial Magistrate 1st Class, Udakishunganj, Madhepura in connection with Gwalpara (Arar O.P.) P.S. Case No. 157 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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