

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14543 of 2023

Arising Out of PS. Case No.-232 Year-2021 Thana- MUFFASIL District- Aurangabad

GAUTAM KUMAR SINGH @ GAUTAM KUMAR Son of Late Satendra Singh R/V- Karma Basantpur, P.O- Kataiya, P.S- Simra, Dist- Aurangabad Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Aurangabad Muffasil P.S. Case No. 232 of 2021 dated 21.09.2021 registered for the offence under Sections 394 of the Indian Penal Code.

As per the prosecution case, the three accused person wearing helmets on three motorcycles are said to have robbed the informant of this Hero Honda Splendor Plus motorcycle registered int He further submits that name of Vikash Kumar Jaiswal.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has not been



named in the F.I.R., however, his name transpired in this case on the basis of confessional statement of the co-accused, Rama Kumar on whose disclosure two stolen motorcycles have been recovered; one from the Ajaniya Gate and another one from the house of the petitioner but the said motorcycles were not put on T.I.P. by the prosecution. He further submits that there is non-compliance of Section 100 Cr.P.C. Moreover, the co-accused, namely, Rama Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 25.04.2022 passed in Cr. Misc. No. 65822 of 2021. The petitioner is rotting in judicial custody since 23.11.2022.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Muffasil P.S. Case No. 232 of 2021 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 canceled 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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