

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15946 of 2023

Arising Out of PS. Case No.-506 Year-2022 Thana- SHASTRINAGAR District- Patna

GAUTAM KUMAR S/O CHITRANJAN KUMAR R/v- Harail, P.S.-
Makhdumpur, District- Jehanabad At present R/o mohalla- Saristabad, 70 ft.
Near Himalayan Hospital, P.S.- Beur, district- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kashyap

For the Opposite Party/s : Mr. Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-05-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Shastri
Nagar P. S. Case No. 506 of 2022, registered for the
offences punishable under Section 394 of the Indian Penal
Code and Section 27 of the Arms Act, 1959.

The prosecution case as emerges from the FIR is
that when the informant went on a walk with his friend, the
petitioner and his associates stopped them and opened fire,
due to which he sustained injury in his leg. It is further
alleged that they snatched the mobile and a cash of Rs.
14,500/- from the informant.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that the petitioner is not named in the F.I.R. nor he was arrested on the spot. He also submits that the name of the petitioner transpires in the confessional statement of a co-accused. He further submits that Test Identification Parade has not yet been conducted. He also submits that search and seizure has not been made as per the procedure as prescribed under Cr.P.C.

He further submits that the petitioner has been languishing in jail since 18.10.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one more case, in which he is on bail.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M., IX, Patna in connection with Shastri Nagar P. S. Case No. 506 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

skm/-

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