

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20702 of 2023

Arising Out of PS. Case No.-66 Year-2021 Thana- PAHARPUR District- East Champaran

GAUTAM KUMAR SON OF SURESH YADAV R/O VILLAGE- BAGHA
CHOWK, P.S.- TARAIYA SUJAN, DISTRICT- KUSHINAGAR (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Paharpur P.S. Case no.66 of 2021 registered under section 394 of the Indian Penal Code.

3. As per the prosecution case, while the informant was returning to his home after having closed his ornaments shop and was carrying Rs.90,000/, it is stated that three accused persons stopped him, took away the bag containing the amount and on the informant resisting, it is stated that he was stabbed by one of the accused on a number of occasions.

4. Learned counsel for the petitioner submits that



from the contents of the F.I.R., it would transpire that the F.I.R. was registered against three unknown. Referring to the order of the learned trial Court rejecting the application for bail of the petitioner, it is submitted that the name of the petitioner transpired in the confessional statement of co-accused Dasrath Kumar Soni. Dasrath Kumar Soni has himself been enlarged on bail vide order dated 18.7.2022 (Annexure-2) passed in Regular Bail Petition no.1371 of 2022 passed by the learned Additional Sessions Judge XIII, East Champaran, Motihari. The petitioner is in custody since 4.9.2021, however no T.I. parade has been conducted and chargesheet has been submitted in the case.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the name of the petitioner transpiring on the confessional statement of co-accused Dasrath Kumar Soni who has himself been enlarged on bail vide order dated 18.7.2022 (Annexure-2) and the petitioner not having been put on T.I. parade inspite of being in custody for 1 year 8 months since 4.9.2021 and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Paharpur P.S. Case no.66 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of the learned
Chief Judicial Magistrate, East Champaran, Motihari.

(Partha Sarthy, J)

Saurabh/-

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