

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18926 of 2023

Arising Out of PS. Case No.-137 Year-2022 Thana- GORADIH District- Bhagalpur

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Goutam Kumar @ Gautam Mandal S/O- Arun Mandal Village-Lailakh, P.S
Sabour, District Bhagalpur Village- Naya Tola Rani Talab Mirachak Ps- Zero
Mile Dist- Bhagalpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jha

For the Opposite Party/s : Mr.Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for

grant of regular bail in a case registered for the offences

punishable under Sections 399, 402 of the Indian Penal

Code and Sections 25(1-b)a/26/35 of Arms Act.

The prosecution case in nutshell is that informant,

being a police official, received a secret information that

some miscreants have been assembled in the play ground

for commission of offence. When the informant reached

there, two persons were apprehended who disclosed their

name as Saurav Kumar and Sanjiv Kumar. It is further



submitted that country made pistol and cartridges were recovered from the possession of apprehended co-accused persons. Apprehended persons disclosed the name of petitioner along with other co-accused persons as the persons who fled away from the place of seizure.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. Neither the petitioner was apprehended on spot nor anything incriminating has been recovered from his conscious possession. His name sprang up on the basis of confessional statement of apprehended co-accused persons. Moreover, the petitioner is languishing in judicial custody since 06.12.2022. Similarly situated co-accused persons, namely Sourabh Kumar and Sanjeev Kumar has been granted bail vide order dated 23.02.2023 and 27.02.2023, passed in Cr. Misc. No. 61408 of 2022 & 66190 of 2022 respectively by the co-ordinate Benches of this Court.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Sabour (Goradih) P.S. Case No. 137 of 2022 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 Judicial Magistrate, 1st Class, Bhagalpur.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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