

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28013 of 2023**

Arising Out of PS. Case No.-473 Year-2022 Thana- FATEHPUR District- Gaya

Gautam Kumar S/O Ashok Prasad @ Ashok Kumar R/O Village- Abgil
Chandey, P.S- Korma, Distt.- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 16-08-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Fatehpur P.S. Case No. 473 of 2022 dated 23.07.2022 registered for the offences punishable u/ss 324, 307, 387 read with section 34 of the Indian Penal Code and u/s 27 of the Arms Act.

4. As per the prosecution case, the informant along with his staff was sitting at his M/S Nandani Enterprises. Then, two unknown miscreants boarded on a motorcycle came and the



pillion rider fired five rounds but one bullet hit the left hand of his staff, Kamlesh Singh causing injury due to non-payment of Rs. 20 lakhs as extortion money.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The name of the petitioner has sprung up in the confessional statement of the co-accused Md. Suhain. There is no eye witness to the alleged occurrence. Learned counsel has further submitted that the injury was found on the non-vital part of the body. The petitioner has three criminal cases as stated in para 3 of the bail petition. The petitioner is in custody since 03.11.2022.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Gaya in connection with Fatehpur P.S. Case No. 473 of 2022 with the condition/s:-

(i). The petitioner is directed to remain physically



present before the learned Court below on each and every date,
failing which on two consecutive dates without reasonable
cause, the bail bond of the petitioner is liable to cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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