

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35774 of 2023

Arising Out of PS. Case No.-76 Year-2021 Thana- KAKO District- Jehanabad

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Gautam Kumar Son Of Naulesh Sharma R/O-Chatar, P.S.-(Bhelawar O.P.),
Kako, Distt.-Jehanabad, Bihar-804420

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

5 02-08-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner has renewed his prayer for bail in
connection with Kako (Bhelawar O.P.) P.S. Case No. 76 of
2021, registered for the offences punishable under Section 387
of the IPC and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. The petitioner had earlier moved this Court vide Cr.
Misc. No. 20548 of 2022 for regular bail which was rejected
vide order dated 13.09.2022, reserving liberty to the petitioner



to renew the prayer for bail, if the trial is not concluded within six months.

4. Learned counsel for the petitioner submits that the trial has not been concluded within the stipulated period of six months. He has filed a certified copy of the order sheet of the Trial Court, which reflects that the trial is still at the stage of prosecution evidence. It is further submitted that the petitioner is in custody since 04.05.2021.

5. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in two other cases.

6. Learned APP, however, vehemently opposes the prayer for bail.

7. Considering the aforesaid facts and circumstances and the fact that the trial has not been concluded within stipulated period of six month, let the above named petitioner be enlarged on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M. / A.C.J.M.-I, Jehanabad in connection with Kako (Bhelawar O.P.) P.S. Case No. 76 of 2021.

(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 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 bond 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 bond of the petitioner.



8. 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)

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