

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47303 of 2023

Arising Out of PS. Case No.-111 Year-2023 Thana- HARNAUT District- Nalanda

GAUTAM KUMAR Son of Ram Lakhan Yadav @ Lakhan Yadav Resident of
Village - Lemuabad, P.S.- Pandarak, District - Patna, At present village -
Porai, P.S.- Harnaut, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
25.02.2023, in connection with Harnaut P.S. Case No. 111 of
2023, F.I.R. dated 18.02.2023 registered for the offences
punishable under Section 394 of the Indian Penal Code but the
police after investigation submitted chargesheet under Sections
394, 395, 397 and 412 of the Indian Penal Code.

3. The F.I.R. of the occurrence of loot is against
unknown.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has been falsely implicated in
the present case. He further submits that the petitioner is not
named in the F.I.R. and the name of the petitioner has been



transpired during investigation on the basis of the information furnished by the local spy and thereafter self confessional statement of the petitioner was recorded in which the petitioner has confessed his guilt in the present occurrence and from the possession of the petitioner one mobile phone and Rs. 1100/- were recovered and till date no test identification parade was conducted by the prosecution. He further submits that co-accused persons namely Ranveer Kumar, Uttam Kumar and Prince Kumar have been granted bail by the learned court below itself. He further submits that another co-accused person namely Kaushal Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 26.07.2023 passed in Cr. Misc. No. 44103 of 2023, another co-accused person namely Tuntun Kumar @ Tuntun Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 26.07.2023 passed in Cr. Misc. No. 44278 of 2023, another co-accused person namely Dharendra Kumar @ Dharmendra Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 27.07.2023 passed in Cr. Misc. No. 43433 of 2023 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 25.02.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the



petitioner on the ground that the petitioner carries two more cases other than the present but fairly submits from paragraph-3 of the petition that the petitioner is on bail in both the cases.

6. Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Harnaut P.S. Case No. 111 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds



in terms of the above-mentioned order shall not be delayed for
purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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