

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45016 of 2023

Arising Out of PS. Case No.-116 Year-2023 Thana- GAURICHAK District- Patna

Gaurav Kumar S/O Satish Kumar Dubey R/O Village- Ainio, P.O.-
Nanandlalabad, Ps. Gauruchak, Dist. Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 26.02.2023 in connection with Gaurichak P.S. Case No. 116 of 2023, F.I.R. dated 22.02.2023 for the offences punishable under Sections 302, 379, 394 of the Indian Penal Code.

3. According to prosecution case, on 20.02.2023 when the informant after feeding his father left to Patna for some necessary work at around 6.30 O'clock in the evening and the father of the informant was alone at house. On 21.02.2023 in the morning the mild man namely Upendra Ram came to deliver the milk and knocked the door when the door was not opened then he conveyed the same to the uncle of the informant namely Dineshwar Ojha, then the uncle of the informant went to his



terrace and saw his brother lying severely injured on the first floor near the water tap, then he started hue and cry following which local villagers also gathered at his terrace and they all started to call the father of the informant but the father of the informant did not replied then they got to know that the father of the informant is dead. Thereafter, the information regarding the same was communicated to the informant and his brothers through his call phone. Thereafter, the informant along with his family entered his house and found the Almirah open and Rs.8500/- two sets of Payal weighting 200 grams, gold ring of mother of the informant and one inverter UPS missing.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been 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 confessional statement of co-accused namely, Raushan Kumar and thereafter, self confessional statement of the petitioner was recorded. He further submits that except the confessional statement of the co-accused namely, Raushan Kuar and self confessional statement of the petitioner, no other cogent material has come during investigation to suggest the



involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 26.02.2023.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Patna City in connection with Gaurichak P.S. Case No. 116 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 witnesses, 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 antecedent, 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)

mdrashid/-

U		T	
---	--	---	--

