

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44615 of 2022

Arising Out of PS. Case No.-144 Year-2022 Thana- GORAUL District- Vaishali

Gautam Kumar Son of Arvind Bhagat Resident of Village - Chehra Kalan,
P.s.- Goraul (Kathara OP), Distt.- Vaishali at Hajipur.

... .. 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. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 399 and 402 of the Indian
Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

According to prosecution case, the informant got
secret information that some criminals have been gathered to
loot the bank. As soon as they saw the raiding party, they tried
to fled away but three persons got arrested (including the
petitioner). It is further alleged that on search, one country made
pistol, one live cartridge and one motorcycle have been



recovered from them.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that one country made pistol, one live cartridge and one motorcycle have been recovered from the possession of the petitioner. He further submits that the motorcycle in question belong to the friend of the petitioner, namely, Monu Kumar S/O Dilip Sah. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 01.04.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 3 criminal antecedents other than the present one.

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 Court below where the case is pending in connection with Goraul P.S. Case No. 144 of 2022, 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)

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