

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45925 of 2023**

Arising Out of PS. Case No.-191 Year-2016 Thana- ATRI District- Gaya

GAURAV KUMAR SON OF LAL PRASAD SINGH @ LALAN SINGH
RESIDENT OF VILLAGE- CHEYA P.S. ATRI, DISTRICT- GAYA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

3 01-09-2023 Heard the parties.

The petitioner is in custody in connection with Atri P.S. Case No. 191 of 2016 for the offence under sections 302, 201, 120(B) and 34 of the Indian Penal Code lodged on 12.09.2016 by the informant, Vindeshwar Prasad Yadav.

As per the prosecution story, the informant alleged that when he was on bank duty, he received information that a dead body is lying on the shore at Cheya Aahar. He proceeded to the place of occurrence and found the dead body. At the spot, one unknown person gave the physical description of the dead body and stated that there was swelling on the neck cut on chin and bleeding from left ear. Accordingly, the FIR.

Earlier the case of the petitioner was heard and



rejected on 06.09.2022 in Cr. Misc. No. 71427 of 2021.

Again, a fresh application has been preferred whereafter a report was called for, which has since been received vide Letter no. 1156 dated 16.08.2023 according to which charges have been framed and out of 11 charge-sheet witnesses, only three witnesses have been examined and the summons have been issued to the arrest.

Learned counsel for the petitioner submits that his name has come on the suspicion only on the basis of last seen, he is in custody since 27.06.2021 (as stated in paragraph 16 of the petition) and do not have criminal antecedent.

Learned APP opposes the prayer for bail but concedes that one Gautam Kumar has since been granted bail vide Cr. Misc. No. 38533 of 2018. He, however, submits that since the petitioner evaded the arrest, the case is of 2016, hence he may abscond again once bail granted.

Having gone through the facts of the case, the submissions put forward by the parties and the materials on record, on the ground that the petitioner has remained in custody for more than two years and the trial has yet not concluded coupled with the fact that he do not have criminal antecedent and will be diligently appearing in trial, this Court is inclined to



extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge, 1st Gaya, in connection with Atri P.S. Case No. 191 of 2016 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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