

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47490 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- NAUHATTA District- Saharsa

GAURI SHANKAR KUMAR S/O DILIP PRASAD YADAV Resident of
village- Gadhiya, Ward No- 8, P.S.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh

For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 30-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Nawhatta
P.S. Case No. 61/2022 registered for the offences punishable
under Sections 394, 302 of the Indian Penal Code and Section
27 of the Arms Act.

As per prosecution case, unknown miscreants fired
upon the informant's cousin and snatched laptop, cash and
mobile phone. It is alleged that in the way to the hospital the
victim died.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner is not named in the FIR, the name of petitioner transpired in this case during course of investigation on the basis of tower location. The petitioner is languishing in custody since 25.04.2022 and bears criminal antecedent of one case in which he is on bail. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has not been put on T.I. Parade till date. The informant is not an eye witness and the petitioner has no concern with the alleged occurrence only on the basis of suspicion the petitioner has been made accused in the present case. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Saharsa in connection with
Nawhatta P.S. Case No. 61/2022, subject to following
conditions:-

(i) One of the bailors shall be either father or mother
or sister or brother or wife or the person who has sworn the
affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain
present on all dates and absence for two consecutive dates
without appropriate permission, would be a ground for
cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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