

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53598 of 2023**

Arising Out of PS. Case No.-477 Year-2022 Thana- SHEKHPURA District- Sheikhpura

GAURAV KUMAR SON OF MUKESH MAHTO @ MUKESH KUMAR
R/O-MAHSAR, P.S.-SHEIKHPURA, (SARAI O.P.), DISTT.-SHEIKHPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 26-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 05.06.2023 in connection with Sheikhpura (Sirari O.P.) P.S. Case No. 477 of 2022, F.I.R. dated 16.08.2022 for the offences punishable under Sections 379/414 and 25 (1-b)a 26/35 of the Arms Act.

3. According to prosecution case, the informant alleges that on 15.08.2022 his son went to village Madari where he was kidnapped by the accused persons and later they demanded two lakhs rupees from the informant's family member for releasing him.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the



present case on the basis of the disclosure made by the co-accused person namely Dhanangay Kumar and no incriminating article has been recovered from the possession or the house of the petitioner and except the confessional statement of co-accused person, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Kaushal Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 22.06.2023 passed in Cr. Misc. No. 8363 of 2023 and co-accused person namely Navin Kumar has been granted bail vide order dated 15.12.2022 passed in Cr. Misc. No. 74890 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 05.06.2023.

5. The learned Additional Public Prosecutor for the State on the other hand on the basis of material available on record as well as case diary has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner is the acting member of the gang of Dhanangay and another and he was involved in number of cases and petitioner carries three criminal antecedent other than



the present one but fairly submits on the basis of the paragraph 3 of the bail petition that the petitioner is on bail in all the three pending cases.

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 C.J.M. Sheikhpura, in connection with Sheikhpura (Sarari O.P) P.S. Case No. 477 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)

Adnan/-

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