

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61357 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- KUMAR KHAND District- Madhepura

Gautam Kumar @ Gautam Yadav Son of Manoj Yadav @ Manoj Kumar
Resident of Village- Chharapatti, P.S.- Kumarkhand, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with
Kumarkhand P.S. Case No.295 of 2021 registered for the
offence under Sections 307 and 34 of the Indian Penal Code,
Section 27 of the Arms Act and later on Section 393 of the
Indian Penal Code was added.

The accused/petitioner is not named in the F.I.R. and
is in custody since 16.02.2022.

The allegation against the petitioner is to made an
attempt to commit robbery alongwith other co-accused persons
and while making such an attempt fired upon informant causing
firearm injury on his right shoulder.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner was not named in the F.I.R., where his name surfaced during the course of investigation on the basis of self-confession. It is also submitted that no incriminating material surfaced/recovered during the course of investigation which may connect petitioner with the present set of occurrence. It is also pointed out that petitioner found involved in two more criminal cases, where he is on bail in one case. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and by taking note of the fact as no incriminating material recovered, in furtherance of self-confession, which may connect the petitioner with the present occurrence coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Kumarkhand P.S. Case No.295 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial



Magistrate-II, Madhepura/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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