

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69490 of 2022

Arising Out of PS. Case No.-217 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

GAUTAM KUMAR YADAV @ GAUTAM KUMAR @ GAUTAM RAI Son
of Purshottam Ray @ Purshottam Yadav Resident of village - Paktaula, P.S.-
Dumra, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 31-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Runnisaaidpur P.S. Case No.217 of 2021 dated 02.04.2021
registered for the offence/s punishable under Section/s 399 and
402 of the Indian Penal Code and Section/s 25(1-b)a, 26 and 35 of
the Arms Act.

3. The main submissions advanced by the
learned counsel for the petitioner are that as per prosecution two
co-accused persons namely Santosh Sah and Raushan Kumar were
arrested with fire-arms on the allegation of making preparation to
commit *dacoiti* and petitioner is stated to be involved in the said
preparation but the petitioner was not apprehended at the spot and
his name was disclosed by the apprehended co-accused persons
who have been granted bail by a co-ordinate Bench of this Court



vide orders passed in Cr. Misc. Nos.51620 of 2021 and 854 of 2022 and petitioner has been implicated in this case mainly on account of his criminal antecedents, though against him there are criminal antecedents of five cases but he has got bail in all the said cases and his case stands on better footing from the apprehended co-accused persons who are on bail. Further submissions are that the petitioner has been languishing in jail since 15.09.2021 and against him the investigation has been completed.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the petitioner's custody period as well as the privilege of bail having been granted to two co-accused persons mentioned above, who were apprehended at the spot with fire-arms and petitioner is not stated to have been arrested at the spot, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be released on bail in connection with Runnisaidpur P.S. Case No.217 of 2021 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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