

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68768 of 2022

Arising Out of PS. Case No.-404 Year-2020 Thana- RAJAOLI District- Nawada

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GAUTAM KUMAR SON OF KAILASH YADAV R/O VILL.-
GOVARDHANA, P.S.- FATEHPUR, DISTT.- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh, Advocate

For the Opposite Party/s : Ms.Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-04-2023 Heard learned counsel for the petitioner and

learned APP for the State.

This is the second attempt of the petitioner to obtain regular bail in connection with S. Tr. No. 37 of 2021 arising out of Rajouli P.S. Case No. 404 of 2020 registered for the offences punishable under Sections 395 and 412 of the Indian Penal Code. The petitioner is in custody since 27.8.2020. He has got no criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that earlier while rejecting the prayer for bail of the petitioner on 09.09.2021 in Cr. Misc. No. 13616 of 2021, this Court had observed that in case the trial is not concluded within a period of



one year for no reason attributable to the petitioner, the petitioner may renew his prayer for bail.

Learned counsel further submits that till date only one prosecution witness has been examined.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that till date only one witness has been examined in course of the trial and in terms of the observations of this court contained in its order dated 09.09.2021 passed in Cr. Misc. No. 13616 of 2021, the petitioner has renewed his prayer for bail and that he is ready to abide by such terms and conditions which may be imposed by this Court to secure his presence in course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions judge-IV, Nawada, in connection with Rajouli P.S. Case No. 404 of 2020, subject to the condition as laid down under Section 437(3) Cr.P.C.

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 steps 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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