

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75264 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- GAYA MUFASIL District- Gaya

Gautam Kumar @ Gautam Son of Madan Raut @ Madan Prasad @ Madan
Rao R/O Vill - Surhari, Bahora Bigha, P.S. - Muffasil, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Priya Ranjan, Adv.
For the State	:	Mr. Mithlesh Kumar Khare, APP
For the Informant	:	Mr. Rajesh Kumar Sharma, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Muffasil P.S. case No. 178 of 2023 instituted for the offences under Sections 302, 120(B), 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioner along with other co-accused persons came at the house of the Informant and started firing upon the husband of the Informant due to which he sustained fire-arm injury and, thereafter, the doctor declared him dead in the hospital.

4. The petitioner is named in the F.I.R. along with other co-accused persons and the allegation against him is of



being a conspirator of committing murder of the husband of the Informant.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case only on the basis of suspicion. There is general and omnibus allegation against the petitioner. The petitioner has got no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 06.07.2023.

6. Learned counsel for the petitioner has further submitted that the co-accused persons namely Upendra Singh, Ravi Kumar and Rajesh Prasad @ Rajesh @ Dara @ Dara Yadav have been granted bail by a Co-ordinate Bench of this Court vide orders dated 08.09.2023, 25.09.2023 and 25.09.2023 passed in Cr. Misc. Nos. 45479 of 2023, 45845 of 2023 and 41063 of 2023 respectively. He further submits that co-accuseds Shinku @ Rajnish Kumar, Nagendra Yadav @ Narendra Yadav and Tej Pratap Singh have also been granted bail by a Co-ordinate Bench of this Court vide common order dated 14.09.2023 passed in Cr. Misc. Nos. 42939 of 2023 along with other connected cases.

7. Learned A.P.P. for the State and learned counsel for



the Informant have vehemently opposed the prayer for grant of bail to the petitioner.

8. Considering the entire facts and circumstances of the case, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Muffasil P.S. case No. 178 of 2023, subject to the following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(ii) 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.

(Rudra Prakash Mishra, J)

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