

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73755 of 2022**

Arising Out of PS. Case No.-82 Year-2022 Thana- KATIHAR MUFFASIL District- Katihar

Gautam Kumar Son of Banarsi Sah R/v- Chandan Nagar, P.S.- Barari,
District- Katihar. At present C/o Mahavir Poddar Chhittabari, P.S.- Katihar
(M), District- Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Shraddhanand Paswan, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, A.P.P.

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

3 19-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
23.05.2022 in connection with Sessions Trial No. 500 of 2022,
arising out of Katihar (M) P.S. Case No. 82 of 2022, F.I.R. dated
23.05.2022 for the offences punishable under Sections 396, 302,
34, 412, 120(B) of the Indian Penal Code and Section 27 of the
Arms Act.

According to prosecution case, it is a case of robbery
of Rs.6,66,140/- which was kept inside the bag of the informant,
Suraj Kumar Thakur, who was going to deposit it in Kotak
Mahindra Bank and while the cashier, Rajat Pratik, made the
protest, the miscreants fired upon him five times and fled away.



Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused person. He further submits that Rs.11,000/- has been recovered from the possession of the petitioner but the same is not looted amount and the same is personal amount of the petitioner. He further submits that except the confessional statement of co-accused persons no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Saheb Das has been granted bail by a co-ordinate Bench of this Court vide order dated 27.02.2023 passed in Cr. Misc. No. 60004 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 23.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other



than the present one.

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 A.D.J.-IInd, Katihar in connection with Sessions Trial No. 500 of 2022, arising out of Katihar (M) P.S. Case No. 82 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)

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