

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46491 of 2024

Arising Out of PS. Case No.-61 Year-2022 Thana- SOHSARAI District- Nalanda

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Goutam Kumar @ Gautam Kumar @ Chiku Kumar @ Chotu @ Chiku Son of
Raja Sharma @ Raj Kumar Sharma Village- Bari Isopur, Ps- Adyogic, Dist-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-08-2024 Heard Mr. Surya Narayan Yadav, learned counsel

for the petitioner and Mr. Sanjay Kumar Tiwary, learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
02.06.2022 in connection with Sohsarai P.S. Case No. 61 of
2022, F.I.R. dated 27.02.2022 for the offences punishable under
Sections 399 and 402 of the Indian Penal Code and Sections
25(1-b)a, 26 and 35 of the Arms Act.

3. According to prosecution case, the informant
received secret information that some 6-7 persons were
assembled near Kakhda More to commit dacoity in Ujjwal
Jewellers. When informant reached there, then all people fled
away but two persons were apprehended by the police and from



them one pistol, four live cartridges and one mobile phone were recovered and they have disclosed the names of other accused persons who fled away.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the name of the petitioner has been transpired on the basis of the disclosure made by the apprehended persons, namely, Arbind Kumar @ Bhim Yadv and Dhananjay @ Bhopta. He further submits that nothing has been recovered from the conscious possession of the petitioner and petitioner has been remanded in the present case on 01.02.2023. He further submits that similarly situated, co-accused, namely, Dhananjay @ Bhopta who has disclosed the name of the petitioner has been granted bail by a Co-ordinate Bench of this Court vide order dated 13.04.2023 passed in Cr. Misc. No. 8304 of 2023 and another co-accused, namely, Rishabh Kumar @ Lutus @ Lutus Arora has been granted bail by a Co-ordinate Bench of this Court vide order dated 31.10.2023 passed in Cr. Misc. No. 67765 of 2023. The petitioner is in custody since 02.06.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and



submits that the petitioner is named in the F.I.R and apart from that the petitioner carries 13 criminal antecedents other than the present one but fairly submits on the basis of paragraph 13 of the bail petition that the petitioner is on bail in 8 cases out of 13.

6. 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 Additional Sessions Judge-V, Nalanda at Biharsharif in connection with Sohsarai P.S. Case No. 61 of 2022, subject to the following conditions:-

i. 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.

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.

iii. 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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