

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60587 of 2024

Arising Out of PS. Case No.-18 Year-2022 Thana- SOHSARAI District- Nalanda

Gautam Kumar @ Chiku Kumar @ Chotu S/o Raja Sharma @ Raj Kumar
Sharma R/o Mohalla Bari Isopur PS Adyogic District Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 25-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Sohsarai P.S. Case No. 18 of 2022 registered for the offences
punishable under Sections 394, 302 of the Indian Penal Code
read with Section 27 of the Arms Act.

As per prosecution case, informant is running
Jeweler Shop in the name of Nandlal Jewelers. It is alleged that
four miscreants on two motorcycles entered the shop, looted
ornaments and started open firing upon informant's son as a
result of which his son sustained injury and after that
informant's son was referred to PMCH for treatment and in the
way he died. It is further alleged that all miscreants were of the
age group of 20-25 years and they managed to flee away from



the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. During the course of investigation, his name has been transpired in this upon his self confessional statement. Except his self confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. No incriminating article has been recovered from the conscious possession of the petitioner. No T.I.P. has been conducted up-till now. He further submits that petitioner has been remanded in this case from Agamkuan P.S. Case no. 382 of 2022 on 01.02.2023 and since then he is in custody. Petitioner bears criminal antecedent of twelve cases. He further submits the petitioner has been roped in one case after another without any basis. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Amit Kumar has already been granted bail by this Court vide Cr. Misc. No. 36592 of 2022 and the case of present petitioner stands more or less on similar footing.

5. The learned A.P.P. for the State opposes the



prayer for bail of the petitioner keeping in view the series of criminal antecedents of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -V, Nalanda at Biharsharif in connection with Sohsarai P.S. Case No. 18 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) The learned trial court 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.

(Alok Kumar Pandey, J)

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