

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52816 of 2024

Arising Out of PS. Case No.-707 Year-2023 Thana- FATEHPUR District- Gaya

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Gautam Kumar son of Pramod Singh Village- Badki Saliya Ps- Fatehpur Dist-
Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. State Of Bihar PATNA HIGH COURT

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Fatehpur P.S. Case No. 707 of 2023
registered for the offence punishable under Section 392 of the
Indian Penal Code and under Section 27 of the Arms Act.

3. Allegedly while the informant was returning from
village-Salaiya to Fatehpur to collect the money on his Splender
Motorcycle; in the meantime he was intercepted by three
unknown miscreants. The unknown miscreants snatched the



valuables and the bag containing Rs.89,560/-(Rupees Eighty Nine Thousand Five Hundred Sixty) on the point of pistol.

4. Learned Advocate for the petitioner contended that the FIR has been instituted against unknown miscreants, however, during the course of investigation, the name of the petitioner has surfaced on the confessional statement of co-accused Sandip Kumar. Save and except the confessional statement there is no material suggesting the complicity of the petitioner in the present crime. The petitioner has neither been put on test identification parade nor any incriminating material has been recovered. All the more co-accused Sandip Kumar has already been accorded regular bail by the court below itself. The petitioner has been incarcerated since 04.04.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is carrying one more criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the present case against the petitioner is based upon only confessional statement, moreover, the investigation of the crime is complete and the charge-sheet have been submitted, however, neither the petitioner has been put on test identification parade nor there is



any recovery, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-10th, Gaya in connection with Fatehpur P.S. Case No. 707 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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