

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73680 of 2023

Arising Out of PS. Case No.-205 Year-2023 Thana- KATRA District- Muzaffarpur

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GAURAV KUMAR SON OF UMASHANKAR PRASAD VILLAGE-
PAHSHAUL PS- KATRA (JAGUAR) DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 16-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Katra
P.S. Case No. 205/2023 registered for the offences punishable
under Sections 414/34 of the IPC and Section 25(1-B), 26, 35 of
the Arms Act.

As per prosecution case, one country made pistol
and two live cartridges were recovered from Bolero Vehicle in
question and petitioner along with other co-accused
apprehended on spot. It is further alleged that one mobile phone
was recovered from possession of petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case. It is



further alleged that co-accused Arjun Kumar has already been granted bail by co-ordinate bench of this Court vide Cr. Misc. No. 77573 of 2023. Petitioner has been apprehended on account of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. The mobile phone which has been recovered from possession of the petitioner belongs to the petitioner himself. Petitioner is in custody since 02.08.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears criminal antecedent of two cases in which he is on bail.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, 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 Ms. Savitri, Judicial Magistrate, 1st Class, East, Muzaffarpur in connection with Katra P.S. Case No. 205/2023 ,



subject to the 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.

(Alok Kumar Pandey, J)

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