

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81835 of 2024

Arising Out of PS. Case No.-106 Year-2017 Thana- SARAI District- Vaishali

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Gautam Kumar, Male, aged about 27 years, S/o Sri Rajeshwar Prasad Singh,
R/o Village- Dayalpur, Ward No.- 06 Near BMD College, P.S.- Rajapakar,
District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Surendra Prasad Singh, Advocate
For the Opposite Party : Mr. Ganesh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 03-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sarai
P.S. Case No. 106 of 2017 dated 02.07.2017 registered for the
offences punishable under Sections 356 and 379 of the I.P.C.
Later on, Section 392 of the I.P.C. was also added.

3. As per the prosecution case, on 02.07.2017 at about
5.00 P.M., the informant, Mani Bhushan Kumar, was going to
Patna from Madhubani alongwith his friend Jitendra Kumar on
his Apache Motorcycle bearing Registration No. BR-06BA-
0902 and as soon as they reached at Sarai Bazar, two miscreants
came there boarded on a Pulsar Motorcycle and one of them
snatched the informant's golden chain worth Rs. 45,000/- but his



friend caught one of the miscreants who has snatched his chain but in the meantime, two miscreants boarded on Scooty came there and took one of the miscreants who has snatched the golden chain of the informant and fled away from the place of occurrence on the point of pistol. When the nearby people came there the co-accused Raushan Kumar who was driving the said motorcycle was caught by the people and on inquiry he did not disclose the name of the fleeing person. The apprehended co-accused Raushan Kumar and motorcycle were handed over to the police station.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. His name has surfaced in the present case on the basis of the confessional statement of the co-accused Raushan Kumar which has got no evidentiary value in the eyes of law. No incriminating article has been recovered from the possession of the petitioner. He has no concern with the alleged offence. It is further submitted that the petitioner has been implicated in several cases because of enmity with the police and his last case was Sarai P.S. Case No. 88 of 2017 but no case has been lodged against the petitioner after the year 2017. The petitioner has six



criminal antecedents and in all the cases, he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 18.07.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- XIII, Vaishali at Hajipur in connection with Sarai P.S. Case No. 106 of 2017.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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