

Gautam Kumar @ Gautam Sah @ Gautam Kumar ... vs The State Of Bihar on 21 March, 2023

Author: Nawneet Kumar Pandey

Bench: Nawneet Kumar Pandey

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66687 of 2022
Arising Out of PS. Case No.-402 Year-2018 Thana- SONEPUR District

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GAUTAM KUMAR @ GAUTAM SAH @ GAUTAM KUMAR SAH SON
OF TRIVENI SAH R/O AT CHAK SHALE, P.S.- LALGANJ, DISTRICT-
VAISHALI Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivanand Singh
For the Opposite Party/s : Mr.Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

3 21-03-2023

Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection with Sonepur P.S. Case No. 402 of 2018, registered for the offences punishable under Sections 364A, 120(B)/34 of the Indian Penal Code.

The learned counsel for the petitioner has submitted that though the bail petition of the petitioner was earlier rejected twice, but his case is on similar footing of co-accused Santosh Kumar, whose bail application was also rejected, but considering the period of custody of four years, he was granted bail. The kidnapped boy during trial did not identify this petitioner, whereas he identified one co-accused Santosh Kumar, who has been granted bail. The petitioner is under custody for a period of four years and nine months.

Considering the above-mentioned facts and Patna High Court CR. MISC. No.66687 of 2022(3) dt.21-03-2023 circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XII, Saran in connection with Sonepur P.S. Case No. 402 of 2018, subject to the following conditions:-

(i) The petitioner shall remain physically present on each and every date till conclusion of the trial and his failure in physical appearance shall lead to cancellation of his bail bond.

(ii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(iii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J) Nirmal/Kundan U T