

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30230 of 2014

Arising out of PS.Case No. -93 Year- 2013 Thana -Belchar District- WESTCHAMPARAN (BETTIAH)

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Sandeep Gupta, Son of Late Rajeshwar Prasad Gupta, Resident of Mohalla - Mill Parsa P.S. - Balthar, District - West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party/s: Mr. R.B.Rai Raman (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 14-01-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Sections 147, 148, 149, 307, 323, 341, 353 & 504 of the Indian Penal Code and the fact that if the petitioner was actually present at the spot and was arrested with his tractor, there was no question of his getting free. There is thus something amiss in the prosecution case and the benefit of the same for the present must go to the petitioner.

That being so, if the petitioner, namely, Sandeep Gupta surrenders within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Balthar P.S.Case No. 93 of 2013, subject to the

following five conditions:

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- (i) That both of the bailors will be a close relative of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.
 - (ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.
 - (iii) That the bailors shall also state on affidavit that he will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.
 - (iv) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his

bail will be liable to be cancelled for reasons of misuse.

- (v) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

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