

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26514 of 2016

Arising Out of PS.Case No. -594 Year- 2015 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

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Santosh Gupta @ Santosh Kumar Gupta, son of Amarendra Sah, resident of
village Kudhwa, p.S. Chakmehsi, Distric Samastipur at present residing at
village Chanpatia P.S. Chanpatia District West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Tiwary

For the Opposite Party/s : Mr. Sri Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 30-06-2016 Heard Sri Kishore Kumar Sinha, learned counsel, who

was assisted by Sri Anil Kumar Tiwary, learned counsel for the

petitioner and learned A.P.P.

The sole petitioner, who apprehends his arrest in
connection with Bettiah Town P.S. Case No. 594 of 2015
registered for the offence under section 302/ 201/ 120(b)/ 34 of
the Indian Penal Code, has prayed for grant of anticipatory bail.

By way of referring to F.I.R. i.e. Annexure - 1 to the
present petition learned counsel for the petitioner submits that the
petitioner was named as accused only on suspicion, however
after lodging F.I.R. which was registered on 6.9.2015 police
investigated the case and during investigation implication of one
of the accused namely Ashish Kumar Srivastava @ Guddu

Mian who was not named in F.I.R. has come and thereafter police submitted charge sheet against Ashish Kumar Srivastava @ Guddu Mian. This fact has been stated in paragraph no. 6 of the present petition. By way of referring to the statement made in paragraph no. 6 of the present petition, learned counsel for the petitioner submits that investigating officer has recorded that till date no sufficient material was collected for charge-sheeting the petitioner and one another F.I.R. named accused person.

Keeping in view the fact that petitioner was named on suspicion as accused in the F.I.R. and investigation is still continuing, the court is of the opinion that the petitioner can be extended the privilege of grant of anticipatory bail during the pendency of the investigation.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner Santosh Gupta @ Santosh Kumar Gupta be enlarged on bail on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Judicial Magistrate, West Champaran, Bettiah in connection with Bettiah Town P.S. Case No. 594 of 2015 subject to conditions stipulated under section 438(2) of the Code of Criminal Procedure with condition that the petitioner will render full co-operation to the

investigating officer during the investigation. If during investigation sufficient material is collected and petitioner is forwarded as accused in that event petitioner will have to surrender before the court below.

With above observation the anticipatory bail petition stands allowed.

(Rakesh Kumar, J)

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