

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38332 of 2016

Arising Out of PS.Case No. -64 Year- 2013 Thana -SIWAN MUFFASIL District- SIWAN

1. Pintu Kumar Gupta, Son of Durga Prasad, Resident of Village- Aakopur,
Police Station- Siwan Muffasil, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 05-10-2016

Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 394 and 397 of the I.P.C and section 27
of the Arms Act.

Allegedly, one Maya Bhagat and one unknown aged
20 to 22 years came and demanded ransom from the informant
resulting there was some altercation and then Maya Bhagat opened
fire which hit in the leg and back of the informant and then the
informant raised alarm calling Motilal Bhagat and he came and
then he was also shot which hit in his thigh. The informant claims
to identify them after seeing. During investigation the name of the
petitioner transpires in the statement of the spy as the petitioner
was moving on the road at the time of occurrence.

Submission is of false implication and that the

petitioner is in custody since 25.12.2015 but he has not been put on the test identification parade so as to identify by the informant as second co-accused, no witness has stated the name of the petitioner and without any legal and tangible material the petitioner is suffering in custody only on the basis that the petitioner has got criminal antecedent.

The learned A.P.P. fairly submits that besides the statement of the spy there is no other tangible material against the petitioner and besides criminal antecedent of the petitioner there is no other material against the petitioner.

In the facts and circumstances as stated above, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Siwan in Siwan Muffasil (Mahadeva) P.S. Case No. 64 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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