

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28357 of 2017

Arising Out of PS.Case No. -423 Year- 2013 Thana -SIWAN MUFFASIL District- SIWAN

1. Pintu Kumar Gupta, son of Late Durga Prasad, resident of Village- Aakopur,
Police Station Siwan Muffasil (Mahadewa O.P.) District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD

ORAL ORDER

2 06-07-2017 Heard Sri. Raghav Prasad, learned counsel for the
petitioner and no one appears for the State.

The petitioner, in the present case, is seeking regular
bail in connection with S.T No. 155 of 2016 arising out of Siwan
Muffasil P.S. Case No. 423 of 2013 registered under Sections
394/307 of the Indian Penal Code and Section 27 of the Arms
Act.

Learned counsel for the petitioner submits that a bare
perusal of the First Information Report would show that the
petitioner is not named in the F.I.R. Two motorcycle borne
criminals are said to have committed the alleged offence. The
accused persons snatched the motorcycle of the informant bearing
registration no. BR-29M 0401.

Learned counsel for the petitioner further submits that
the informant has given some description of the accused.
However, name of the petitioner has transpired from the statement



of some persons who are said to have seen the alleged occurrence. Learned counsel has also submitted that although this petitioner was arrested in the present case on 22.01.2016, till date no TIP was conducted. Hence there is no identification of the petitioner in the present case. He would also submit that in the present case, charge has been framed as back as on 09.05.2016 but till date no prosecution witness has turned up. Learned counsel has further submitted that in paragraph-3 statements have been made regarding the three previous cases which are of the year 2013 and in those three cases, the petitioner is on bail.

Considering the fact that the petitioner is not named in the F.I.R., nothing has been recovered from his possession, no test identification parade could be conducted by the police despite the custody of the petitioner for 1 ½ year, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-II, Siwan in connection with Siwan Muffasil P.S. Case No. 423 of 2013 subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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