

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60286 of 2017

Arising Out of PS.Case No. -207 Year- 2017 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Dewa Gupta @ Deva Gupta, S/o Hari Kishore Gupta, Resident of Village
Chatouni Buzar, P.S.- Chatouni, District- East Champaran, Motihari.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 21-12-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection
with Motihari Nagar P. S. Case No.207 of 2017 registered under
Sections 223 and 225/34 of the Indian Penal Code.

It is contended that the petitioner is not named in
the first information report and nothing has been found against
him during investigation. It is further contended that the
petitioner has no concern with the accused Kunal Singh and he
has falsely been implicated in the present case and there is no
evidence to suggest that he has given shelter to Kunal Singh at
any point of time. It is also contended that even if the entire



allegations made in the first information report are taken to be true, the ingredients of the offences punishable under Sections 223 and 225 of the Indian Penal Code would not be attracted in the present case.

On the other hand, learned Additional Public Prosecutor for the State submitted that in course of investigation, it transpired that after accused Kunal Singh escaped from custody, he took shelter in the house of several persons including the petitioner.

Be that as it may, regard being had to the facts and circumstances of the case, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in Motihari Nagar P. S. Case No.207 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

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