

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55719 of 2016

Arising Out of PS.Case No. -206 Year- 2013 Thana -GORIAKOTHI District- SIWAN

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Pintu Kumar Gupta, Son of Late Durga Sah, Resident of village- Aakopur,
Police Station- Siwan Mufassil, (Mahadeva O.P.), District- Siwan.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Raghav Prasad, Advocate

For the Opposite Party : Mr. Satyendra Narayan Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 10-02-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Goreakothi P.S Case No. 206 of 2013, Sessions Trial No. 370 of
2016, registered for the offences punishable under Sections
302/307/34 of the Indian Penal Code and Section 27 of Arms Act.

Allegedly, First Information Report is against
unknown and during investigation it transpires that the petitioner
and co-accused Maya Bhagat were identified as accused and they
have shot fire.

Submission is of false implication and that during
investigation no witness has come forward to say that the
petitioner has shot fire and only on the basis of hearsay evidence it
is stated that the petitioner was involved in the crime, no eye-
witness has come forward to state regarding the involvement of
the petitioner and all have stated that they have come to know
regarding the involvement of the petitioner and co-accused. The



petitioner is in custody since 25.01.2016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. seriously opposes the prayer of bail by submitting that the name of the petitioner and co-accused were taken by several witnesses.

In the facts and circumstances stated above, considering the detention of the petitioner and further that there is no chance of tampering with the prosecution evidence and, as such, petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Additional Sessions Judge-III, Siwan, in connection with S. Tr. No. 370 of 2016, arising out of Goreakothi P.S. Case No. 206 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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