

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43945 of 2017

Arising Out of PS.Case No. -10 Year- 2017 Thana -MAHNAR District- VAISHALI(HAJIPUR)

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Amit Kumar Gupta, Son of Chirangiv Lal Sah alias Chirangivi Sah,
Resident of Village- Lawapur, Police Station- Mahnar, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh

For the Opposite Party/s : Mr. Sri Jagdhar Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 12-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Mahnar P.S.
Case No. 10 of 2017 for offences punishable under Sections 457,
380 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was away from his house robbery took place and
articles worth Rs. 3,40,000/- apart from land papers other
documents and home items were stolen.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and prior to
Patori P.S. Case No. 86 of 2017 he bears no criminal history and



his name surfaced only on the basis of confessional statement of co-accused Digvijay Singh in the said Patori P.S. Case No. 86 of 2017 after which he has been remanded in two more cases apart from the present one and in all of them he is on bail. He submits that confessional statement of co-accused before the police has no evidentiary value in the eye of law, no T.I. parade has been done and that petitioner owns Kabari shop and is an income tax assessee. He submits that although he was arrested in Patori P.S. Case No. 86 of 2017 on 07.03.2017 he has been remanded and is languishing in judicial custody since 07.07.2017 in the present case. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 10 of 2017, subject to the



conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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