

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26475 of 2018

Arising Out of PS. Case No.-838 Year-2017 Thana- MOTIHARI TOWN District- East
Champaran

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Sugandh Kumar Gupta @ Sugandh Kumar, S/o Himanchal Prasad, Resident
of Ward No. 11, Near Panch Mandir, Mohalla- Thakurbari, P.O.- Motihari,
P.S.- Motihari Town, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushik

For the Opposite Party/s : Mr. Sri Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 19-06-2018 Heard learned counsel for the petitioner, learned APP for
the State as well as learned counsel for the informant.

Petitioner apprehends his arrest in Motihari Town P.S.
Case No. 838 of 2017 instituted for the offence under Sections
302 and 120(B)/34 of the Indian Penal Code and Section 27 of
the Arms Act.

As per prosecution story the informant got information
that his son has been shot with fire arm at Gyan Babu Chowk by
somebody. The informant went to the place of occurrence and
saw that his son was being taken to Rehmania Hospital on a
motorcycle by Krishna and Samir. The son of the informant died
during course of treatment. The informant learnt from persons
as named in the written report that two persons came on a



motorcycle and made indiscriminate firing on his son.

The case diary has been received in this case. The name of this petitioner has come during investigation in the confessional statements of co-accused, namely, Chandan Singh @ Rohit Kumar Singh, Subodh Kumar and Deva Gupta.

Learned counsel for the informant has submitted that in the CC TV footage, it appears that main shooters were Avanish Kumar @ Cigarette and Suman Saurav. The Police has arrested other co-accused on the basis of the aforesaid CC TV footage. It is further submitted that from the statements of these accused persons it will appear that this petitioner had also actively participated in the occurrence. This court finds that name of this petitioner has come for the first time during investigation in confessional statement of co accused as named above levelling general and omnibus allegation.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Motihari Town P.S. Case No. 838 of 2017 he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M.,



East Champaran, Motihari subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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