

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.672 of 2018

Arising Out of PS.Case No. -188 Year- 2017 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

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Dewa 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. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 12-01-2018 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection
with Pipra P. S. Case No. 188 of 2017 registered under Sections
25(1-B)a, 26 and 35 of the Arms Act.

It is submitted by the learned counsel for the
petitioner that no incriminating article was recovered from the
possession of the petitioner and there is no evidence at all to
connect him with the alleged crime. The petitioner has no
concern either with Kunal Singh or co-accused Sumit Kumar
and he has been falsely implicated in this case. He was at Jyoti



Punj Hospital in Patna on 09.08.2017 for which an appointment was taken in the morning at 8 am. He also visited along with his wife, who is pregnant of 31 weeks on that date. He further submitted that the petitioner has himself been suffering from back pain for which he is being treated before an orthopedic surgeon at Patna since April 2017 and latter, he got himself treated at Medanta Hospital.

On the other hand, learned Additional Public Prosecutor for the State submitted that from the FIR itself, it would be manifest that while one of the co-accused was arrested, the petitioner and another co-accused managed to escape and from the accused apprehended, one country made pistol, one live cartridge and one empty cartridge were recovered.

Regard being had to the nature of allegation made in the FIR and the submissions made before the court, 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 Pipra P. S. Case No. 188 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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