

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63645 of 2018

Arising Out of PS.Case No. -363 Year- 2018 Thana -PHULWARISHARIF District- PATNA

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Rohit Gupta Son of Bhanu Prasad Gupta @ Bhanu Prakash Gupta Resident
of Village-Pethiya Bazar, P.S. Phulwarisharif, Distt.-Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 29-10-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner seeks bail in Phulwarisharif P.S. Case No.
363/2018, registered for the offences punishable under Sections
25(1-b)a, 26 and 35 of the Arms Act.

Informant alleged that while he along with other police
officials was going to arrest named accused Shekhar Choudhary in
connection with Phulwarisharif P.S. Case No. 360/2018, in the
meantime, he got information that Sekhar Choudhary is residing in
the house of Rohit Gupta (petitioner). Thereafter police party went
there and apprehended Shekhar Choudhary and Rohit Gupta
(petitioner). On search, one country-made katta loaded with one
live cartridge was recovered from possession of the petitioner.

It has been submitted that petitioner has falsely been
implicated in this case.



Petitioner is in custody since 17.05.2018.

Considering the facts aforesaid and nature of allegation,
I am not inclined to enlarge the petitioner on bail at this stage.

If trial is not concluded within six months of custody, petitioner may renew his prayer for bail in court below and same shall be granted to petitioner after six months of custody period, on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate XV, Patna in connection with Phulwarisharif P.S. Case No. 363/2018, subject to the conditions:

- (1.) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2.) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.
- (3.) If the 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.

(S. Kumar, J)

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