

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.148 of 2019

Arising Out of PS. Case No.-365 Year-2018 Thana- SIKARPUR District- West Champaran

1. Anish Kumar Gupta @ Awanish Kumar, S/o Late Rameshwar Prasad Gupta Village- Prakash Nagar, Ward No. 12, Police Station – Shikarpur, District – West Champaran at Bettiah
2. Sachin Kumar Gupta S/o Tuntun Prasad Village- Prakash Nagar, Ward No. 12, Police Station – Shikarpur, District – West Champaran at Bettiah.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Raghunandan Kumar Singh
For the Respondent/s	:	Mr.Sachida Nand Rai

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 27-02-2019

The appellants seek pre arrest bail in connection with Shikarpur P.S. Case No. 365 of 2018, registered for offences punishable under Sections 447, 448, 435, 324, 427, 506/34 of the Indian Penal Code and Section 3 (i)(r) of SC/ST Act.

Allegation as per F.I.R. is that two persons set the motorcycle of the informant on fire and CCTV footage is also there and it is also alleged that some months ago, appellant no. 1 and one Kiran Kumar have also threatened him and earlier his CCTV camera was also broken and the informant had seen the appellant no. 2 and he has also threatened the informant for dire consequence.

It has been submitted on behalf of the appellants that they have falsely been made accused in this case only on the basis of



suspicion and except that there is nothing against the appellants. Further submission is that the appellant is in habit of filing such false cases under the provisions of SC/ST Act as earlier also he has lodged the cases against other persons.

Heard learned Special P.P. as well as learned counsel for the informant. They have opposed the prayer for grant of pre arrest bail. Learned counsel for the informant has submitted that apart from this case, appellant no. 2 is accused in two more cases, however, he has suppressed this fact in the memo of appeal.

Having heard both sides, considering the facts and circumstances of the case as well as the criminal antecedent, so far appellant no. 1 is concerned, I am not inclined to grant the privilege of pre arrest bail to him rather he should surrender before the court below and make prayer for regular bail, which will be disposed of by the court below on the merit of the case without being prejudiced by the order of this Court.

So far appellant no. 2 is concerned, let appellant no. 2, namely, Sachin Kumar Gupta, in the event of his arrest or surrender before the Court below within a period of six weeks, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, West Champaran at Bettiah, in connection with Shikarpur P.S. Case No. 365 of 2018, subject to the conditions laid down under



Section 438 (2) of Cr.P.C.

Accordingly, this appeal is disposed of.

(Vinod Kumar Sinha, J)

sunilkumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

