

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18463 of 2020**

Arising Out of PS. Case No.-208 Year-2019 Thana- SIWAN CITY District- Siwan

SANJEEV KUMAR @ BABLU GUPTA @ BABLU, aged about 50 years,
S/o Kalishanker Gupta, Resident of Village/mohalla-Jaiprakashnagar, P.S-
Siwan Sadar, District-Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Arbind Kumar Singh, Advocate.
For the Opposite Party : Mr.Nirmal Kumar Sinha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 18-08-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 302/34 of the I.P.C.

The prosecution story, in brief, is that on 21.02.2019,
the husband of the informant came to the shop of the petitioner
to work as *Paldari* where neighbouring shopkeeper co-accused
Pappu Gupta said to him for doing his some work. Her husband
refused because some money was also dues with Pappu Gupta’s



shop. When her husband demanded his dues money from him then Bablu Gupta (petitioner) and co-accused Pappu Gupta abused him and on protest, petitioner ordered co-accused Pappu Gupta to kill him. Subsequently, co-accused Pappu Gupta gave rod blow on the head of the husband of the informant and her husband became unconscious. He was brought at Sadar Hospital, Siwan, thereafter co-accused Pappu Yadav and this petitioner dropped her husband and fled away. Her husband was brought from Siwan to Gorakhpur and after treatment he was brought back to the house but again seeing his serious condition he was brought to Sadar Hospital, Siwan where he succumbed to his injury.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is said to be an order giver. No allegation of assault is alleged against the petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, in the event



of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned C.J.M. Siwan, in connection with Siwan Town P.S. Case No. 208 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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