

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25105 of 2020

Arising Out of PS. Case No.-814 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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SANJAY KUMAR GUPTA Son of Late Rajaram Sah Resident of Village -
Hat Sariya, P.S.- Bariya, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Opposite Party/s : Mr. Vinod Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-10-2020 Heard learned counsel for the petitioner and the

State through Video Conferencing.

Petitioner apprehends arrest in a case registered for
the offence punishable under Section 302/34 of the Indian Penal
Code and under Section 27 of the Arms Act.

The prosecution case in brief is that the informant has
given fardbayan before Police Officer and alleged therein that
his son was going with this family member to M.J.K. Hospital
for treatment on motorcycle and the informant was on tempo. It
is further stated that when they reached near Bholalal School in
Bettiah Town, then accused persons have surrounded the
informant's son and fired upon him. Son of the informant was
taken to the hospital where he has been brought declared dead



by the doctor.

It is submitted on behalf of the petitioner that petitioner is innocent and has falsely been implicated in this case. It is further submitted that informant claims to be the eye witness of the incident but has not named the petitioner in the F.I.R. The name of this petitioner surfaced in this case on the basis of confessional statement of co-accused. Similarly situated co-accused, namely, Brajesh Kumar, has been granted bail vide order dated 14.07.2020 in Cr. Misc. No. 14387 of 2020.

In the facts and circumstances of the case, prayer for bail of the petitioner is allowed. In the even of arrest/surrender, let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah, West Champaran in Bettiah Town Police Station Case No. 814 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Ankit/-

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