

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.34089 of 2020**

Arising Out of PS. Case No.-126 Year-2020 Thana- HUSSAINGANJ District- Siwan

Umang Kumar Gupta, Son of Vijay Kumar Gupta @ Vijay Kumar Prasad,
resident of village- Ramnagar Satpokhriya, Police Station- Siwan Town,
District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-12-2020 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Narendra Kumar Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Hussainganj P.S. Case No. 126 of 2020 registered
for the offence under Sections 461, 379 and later on 411 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this case.
Learned counsel submits that the First Information Report itself
was lodged after six days of delay without there being any
plausible reason and the petitioner has been arrested on mere
suspicion. It is submitted that the petitioner has no criminal



antecedent and he has remained in jail since 22.05.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the F.I.R. itself was lodged after six days of delay without there being any plausible explanation and that the petitioner has been arrested on mere suspicion as the alleged recovery of two pairs of shoes and one pair of sandal with cash of Rs. 2500/- cannot be said to be the articles allegedly stolen by the petitioner, the petitioner has otherwise no criminal antecedent, he has remained in jail since 22.05.2020, investigation against him is complete and there being no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Hussainganj P.S. Case No. 126 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,



(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

