

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35177 of 2020

Arising Out of PS. Case No.-88 Year-2020 Thana- ADAPUR District- East Champaran

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ARUN KUMAR GUPTA @ ARUN TYAGI Son of Rajendra Prasad Gupta
Resident of Village- Sugauli Siswaniya Tola, Ward No. 6, P.S.- Sugauli,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Advcate.

For the Opposite Party/s : Mr. Bisheshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 399 & 402 of the Indian Penal Code and Section 25 (1-b), a, 26 & 35 of the Arms Act.



Acting on a tip-off, when the informant along with the police force reached near Barwa Bazar, after seeing the police force miscreants started fleeing away but on chase petitioner along with two others were apprehended. On search, one country made pistol with five live cartridges were recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. As a matter of fact, there was situation of pandemonium and stampede at the time of chase of the offenders, who succeeded in making their good escape and the petitioner, while crossing the road at the very point of time, appears to have fallen prey to the tragic circumstances, and was apprehended on suspicion, and the alleged recovery was fastened with the petitioner. The petitioner has been languishing in custody since 16.03.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named



petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Raxaul, East Champaran at Motihari in connection with Adapur P.S. Case No.88 of 2020, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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