

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24832 of 2021**

Arising Out of PS. Case No.-260 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Amrendra Kumar Gupta S/o Kishori Prasad Gupta R/o Village- Dudhpura,
P.S.- Samastipur Muffasil, Dist- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.Md.Arif

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3. 06-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Samstipur (Muffasil) P.S.
Case No. 260 of 2020, registered for the offence under Section
406, 420, 504 of the Indian Penal Code.

As per the prosecution case, Rs. 21,00,000/- (Rupees
twenty lacs) has been taken, as donation, by this petitioner and
two other co-accused for getting the admission of son of
informant in a Medical College.

It is submitted on behalf of petitioner that petitioner
has been made accused in this case simply because he is
maternal uncle of co-accused Saurav Kumar Gupta, in whose
account the informant had deposited money. It is further



submitted that neither the petitioner demanded any money from the informant nor did anything wrong against the informant. In fact, co-accused Prabhat Kumar Jwel, in whose coaching son of informant was reading, had asked the son of informant to manage money to get the admission in Medical College of Katihar or Lucknow. Only fact, which has come in the FIR against petitioner, is that the informant paid Rs. 2,00,000/- (two lacs) cash to this petitioner, but thereafter, all the amount was deposited in the account of co-accused Saurav Kumar Gupta. It is further submitted that the alleged payment has been made in the year 2017, but the F.I.R. has been instituted in the year 2020 i.e. after lapse of three years without any plausible explanation. Co-accused Prabhat Kumar Jwel has already been extended the privilege of anticipatory bail by the court below itself. Petitioner is in custody since 22.01.2021. Chargesheet has already been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of learned A.C.J.M. - II, Samastipur in connection with Samastipur (Muffasil) P.S. Case No. 260 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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