

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 2220 of 2021**

Arising Out of PS. Case No.-118 Year-2019 Thana- AKHODHIGOLA District- Rohtas

DILIP GUPTA son of Ram Ashish Gupta Resident of Village- Banas, P.S.-
Sasaram (Muffasil), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Umeshanand Pandit, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

9 21-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Akodhigola Police Station
(for brevity, *PS*) Case No 118 of 2019 instituted for the offence
punishable under Sections 394, 302 of Indian Penal Code and
Section 27 of Arms Act.

Allegation is that three miscreants have come on a
motorcycle and snatched the bag from one Amit Kumar. In the
process of snatching, in retaliation to the resistance, one of the
miscreants has fired on the head of Amit Kumar with a *Katta*.

It is submitted by the petitioner's counsel that the
petitioner is not named in the First Information Report. Owing



to his criminal antecedents, as per disclosure made in paragraph 3 of the petition, he has been roped in this case without any basis. Even, in the investigation, the persons, who have been apprehended and examined, have stated about specific role of co-accused Amish Kumar. In respect of the petitioner, at best, it is alleged that he is part of unlawful assembly.

Having regard to the aforesaid submissions, this Court has requisitioned the report regarding the stage of trial and whether the petitioner has been put on Test Identification Parade (*for brevity, T I Parade*)? Report dated 08.09.2021 of the trial Court clearly states that the prosecution has not produced any witness so far and that from perusal of case diary, it appears that no T I Parade has been conducted in this case.

Learned APP has opposed the prayer for bail. She has stated that petitioner's name has surfaced during course of investigation and he has criminal antecedents also.

Having regard to the aforesaid circumstances, report received from the trial Court, submission of the parties and the fact that the petitioner has remained in custody since 18.10.2019, more than two years now, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.



Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Rohtas at Sasaram in connection with Akodhigola PS Case No 118 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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