

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38074 of 2020

Arising Out of PS. Case No.-195 Year-2019 Thana- SHAHKUND District- Bhagalpur

Amit Gupta @ Amit Kumar Gupta, aged about 25 years, male, Son of Ashok Kumar Gupta, Resident of Village- Khudia, Ward No. 5, P.S.- Tarapur, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 16-04-2021 Heard Mr. Radha Mohan Singh, learned Advocate
for the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Sahkund P.S. Case No. 195 of 2019, dated 22.07.2019, instituted for the offence under Section 392 of the Indian Penal Code.

The F.I.R. has been registered against unknown.

It has been submitted on behalf of the petitioner



that after about four to five months of the occurrence, the investigating officer of this case learnt that the looted mobile telephone of the informant had a SIM card, bearing SIM No. 8102222417, which was registered in name of one Prabhakar Kumar. The aforesaid Prabhakar Kumar was interrogated and he disclosed that he had purchased the same from the petitioner about two months ago on a consideration price of Rs. 4,000/-. Apart from this, the other material which is being relied upon to prosecute the petitioner in this case is the recovery of a motorcycle bearing Registration No. CG07 BN-0499.

There is a suspicion of the petitioner having participated in the occurrence since the looted motorcycle of the informant was of the same make as that of the motorcycle which is stated to be that of the petitioner. The learned counsel for the petitioner has submitted that the motorcycle in question belongs to the brother of the petitioner.

Considering the nature of accusation against the petitioner which is based only on suspicion and the



confession of an accused from whose possession the SIM card belonging to the petitioner was recovered, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhagalpur in connection with Shahkund P.S. Case No. 195 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

While saying so, this Court has also taken note of the fact that the petitioner does not have criminal antecedents.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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