

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8857 of 2021**

Arising Out of PS. Case No.-74 Year-2020 Thana- ADAPUR District- East Champaran

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

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 13-08-2021 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.

Akhileshwar Dayal, learned A.P.P for the State

Petitioner in the present case is seeking regular bail in

connection with Adapur P.S. Case No. 74 of 2020 registered for

the offences punishable under Sections 324, 307 and 394 of the

Indian Penal Code and Section 27 of the Arms Act. He is in

custody since 07.07.2020.

Learned counsel for the petitioner submits that the

petitioner is not named in the First Information Report, however,

he has been implicated in this case later on after his arrest in

Adapur P.S. Case No. 88 of 2020 under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act. Petitioner has been granted bail in the said case.

Learned counsel for the petitioner submits that so far as the present case is concerned, he has not been put on identification parade and no incriminating article has been recovered from his possession. In fact in paragraph '164' of the case diary it has come that the looted articles have not been recovered despite all attempts made by the investigating agency.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but on going through the case diary, learned A.P.P confirms that the petitioner was remanded in this case from Adapur P.S. Case No. 88 of 2020.

Considering the facts and circumstances of the case as stated above, there being no identification of petitioner or recovery from his possession, the petitioner having remained in judicial custody since 07.07.2020 is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul, East Champaran at Motihari in connection with Adapur P.S. Case No. 74 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

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'.