

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3556 of 2022

Arising Out of PS. Case No.-55 Year-2021 Thana- NARPATGANJ District- Araria

SANTOSH KUMAR GUPTA @ SANTOSH GUPTA Son of Gopal Prasad
Gupta Resident of Village - Dindayal Chowk, Kesari Mohalla, P.S. -
Forbesganj, Dist. - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 27-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

At the outset, learned counsel for the petitioner files
supplementary affidavit which relates to criminal antecedent of the
petitioner at para 3 of the petition. Let it be kept on record.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the
offence punishable under Sections 394, 302, 307 of the Indian Penal
Code and section 27 of the Arms Act.

As per allegation on the alleged date and time, the
informant along with Aman Gupta was returning after collecting sale
proceeds of rice and when he reached near Belagadh sonapur bridge
four accused persons riding on two motorcycles surrounded them,



pointed pistol and snatched away money and mobile phone from possession of the informant and in that course Aman Gupta tried to escape from clutches of the accused persons, in the meantime one of the miscreants opened fire at him and he sustained firearm injury and thereafter accused persons looted away Rs. 1,20,000/- from his possession and said Aman Gupta died when he was brought to hospital.

The main submissions advanced by Sri Ramesh Kumar Singh, learned counsel appearing for the petitioner are that petitioner's name surfaced in the confessional statement of co-accused, except this there is no other material and he was not arrested at the spot nor any incriminating article was recovered from his possession and he has got no criminal antecedent and he has been made accused only on the basis of imagination and has been languishing in jail since 21.2.2021.

Learned APP has opposed the prayer for bail.

Heard both sides, perused the FIR and case diary. The present case relates to loot and murder and the prosecution has mainly based its case on the basis of CCTV footage and statements of co-accused with regard to involvement of the petitioner in the alleged crime but learned APP has not drawn attention of this court in the case diary regarding concrete evidence to show involvement of the petitioner in the alleged crime and co-accused Monu Kumar Sharma whose case is similar to the case of the petitioner has been



considered for regular bail by a coordinate bench of this court.

Accordingly, in view of these facts, this Court is inclined to grant privilege of bail to the petitioner. Let the 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 the District & Sessions Judge, Araria in Sessions trial no. 223 of 2021 arising out of Narpatganj (Bathnaha) P.S Case No. 55 of 2021.

(Shailendra Singh, J)

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