

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9262 of 2022

Arising Out of PS. Case No.-141 Year-2019 Thana- BUXAR MUFFSIL District- Buxar

CHANDAN KUMAR GUPTA @ CHANDAN GUPTA Son of Late Birendra Prasad Gupta Resident of Village - kasiya, Police Station - Dumraon, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 06-04-2022 Heard Mr. Sanjay Kumar, learned counsel for the petitioner and Mr. Abhay Kumar, learned APP for the State.

This is the second attempt for grant of regular bail on behalf of the petitioner inasmuch as earlier bail application of the petitioner was dismissed *vide* order dated 25.03.2021 passed in Cr. Misc. No. 38106/2021.

The allegation as per FIR, is that some miscreants riding on motorcycles came to the door of the informant and started firing. It is further alleged that on 23.05.2019 a phone call was made on the mobile of the informant by one Chandan Gupta who demanded extortion money from the informant.

Learned counsel for the petitioner submits that the petitioner is in custody since 13.01.2020 and while rejecting the application for bail of the petitioner, this Court had given liberty



to renew the prayer for bail after six months. Learned counsel next submits that the investigation of this case has now completed and the charge-sheet has also been filed and the cognizance has been taken by the learned Magistrate. It is also submitted that the petitioner has been made accused merely on the basis of CDR and no material has come against the petitioner to connect him with the present offence. He next submits that there is no likelihood that the petitioner will abscond or will tamper with the evidences, if he is granted bail.

This Court *vide* its order dated 23.02.2022 had called for a report from Chief Judicial Magistrate, Buxar regarding the stage of trial and in pursuance thereof, learned trial court *vide* its letter no. 118/2022 dated 15.03.2022 has stated that charge-sheet has been filed in the present case on 20.04.2020 for the offence under Sections 447, 386/34 IPC and Section 27 of the Arms Act and out of five charge-sheet witnesses, none of them has yet been examined.

Regards being had to the submissions made by the parties and taking into consideration the fact that this is the second attempt for bail on behalf of the petitioner, he remained in custody for more than two years i.e., since 13.01.2020 and the charge against the petitioner has also been framed, I am



inclined to grant regular bail to the petitioner subject to the condition that petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

Accordingly, let the petitioner, namely, CHANDAN KUMAR GUPTA @ CHANDAN GUPTA be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (M) Town PS Case No. 141/2019.

(Anil Kumar Sinha, J)

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