

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19951 of 2022

Arising Out of PS. Case No.-117 Year-2020 Thana- NAUTAN District- Siwan

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Dipak Kumar Gupta @ Dipak Gupta S/o Late Shiv Shankar Gupta, R/o Village- Sidhwal, P.S.- Hussainganj, District- Siwan, at present R/o village- Hathaunji, P.S.- Nautan, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 25-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Nautan P. S. Case No. 117 of 2020 lodged under Section 392 of
the Indian Penal Code.

As per the allegation made in the F.I.R., two unknown
persons have looted the mobile and motorcycle of the informant.

Learned counsel for the petitioner submits that
nothing was recovered from the possession of the petitioner. He
further submits that T.I.P. has also not been made. Learned
counsel for the petitioner fairly submits that only material which

is against the petitioner is that on his confessional statement, the recovery of the looted mobile was made from the possession of his brother. He further submits that charge sheet has already been filed in this case and petitioner is in custody since 25.01.2021 having one criminal antecedent of similar nature, on which he submits that petitioner shall fulfill all the conditions whatsoever shall be imposed upon the petitioner by the Court.

Learned counsel for the State opposes the prayer for bail and submits that looted mobile was recovered on the confessional statement of the petitioner.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- Ist Class, Siwan in connection with Nautan P.S. Case No. 117 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his

bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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