

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39058 of 2021

Arising Out of PS. Case No.-845 Year-2020 Thana- SAHARSA SADAR District- Saharsa

SHANKAR PRASAD GUPTA, Son of Late Lakhan Prasad Gupta, Resident
of village - Chandani Chowk, Ward No.20, P.S. - Saharsa Sadar, District -
Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Pd. Keshri, Advocate.

For the Informant : Mr. Amrit Abhijat, Advocate.

For the State : Mr. Lakshmi Kant Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

4 30-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Saharsa Sadar P.S. Case No. 845 of 2020 for the offence
punishable under Sections 341, 323, 448, 354, 307, 504 and
506/34 of the Indian Penal Code and Section 27 of the Arms
Act.



The prosecution story, in brief, is that the son of the informant was assaulted by means of fire arm by the son of the petitioner. Petitioner has been alleged to be order giver along with his wife.

It is submitted on behalf of the petitioner that the wife of the petitioner against whom there is similar allegation of giving order to kill the son of the informant has already been released on bail by a co-ordinate Bench of this Court vide order dated 06.12.2021 passed in Cr. Misc. No. 25330 of 2021 and as such on the basis of similar allegation the petitioner claims parity to be released on bail on the same terms and conditions as has been imposed upon his wife.

Mr. Amrit Abhijat, learned counsel for the informant has vehemently opposed the grant of bail to the petitioner and in this regard he has made specific statement that as per the provision of Section 437 Cr.P.C., in spite of nature of allegation being same, but preference has been given to the female and as such considering the said statutory provision, petitioner does not deserve to be released on bail, but has claimed parity with co-accused who is his wife. Learned A.P.P. for the State has also opposed the prayer for grant of bail to the petitioner.

Admittedly, in the present case, there is only one gun



shot injury and the specific allegation of assault is against the son of the present petitioner which is substantiated by the post mortem report. Similarly situated co-accused who is the wife of the petitioner has already been released on bail. Petitioner has no criminal antecedent and is in custody since 15.02.2021. Trial is not likely to be concluded in near future. There is no allegation of tampering with the evidence or influencing the witnesses. Prima facie, the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Saharsa in connection with Saharsa Sadar P.S. Case No. 845 of 2020, on similar terms and conditions as has been imposed upon the co-accused who is the wife of the petitioner vide order dated 06.12.2021 passed in Cr. Misc. No. 25330 of 2021 with further condition that **the petitioner will make his attendance before the concerned police station under which his house is located everyday at 9 AM till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the**



**police station shall submit his monthly attendance report to
the Superintendent of Police, Saharsa.**

(Purnendu Singh, J)

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