

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30211 of 2022

Arising Out of PS. Case No.-254 Year-2021 Thana- BUXAR District- Buxar

Deepak Kumar Gupta @ Lallu, Son Of Shivnand Prasad Gupta, R/O
Mohalla- Aadarsh Bihar Colony, Bihiya, P.S.- Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Buxar Town P.S. Case No. 254 of 2021
registered for the alleged offences under Sections 457 and 380
of the Indian Penal Code.

As per prosecution case, theft of a large number of
articles including ornaments worth approximately Rs.25 lacs
was made from the dwelling house of the informant when he
had gone to his native village for attending the *sharadh* of his
mother. The name of the petitioner transpired as one of the



accused persons during investigation.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and there is nothing against him except confessional statement of co-accused. The learned counsel further submits that the petitioner was earlier arrested in connection with Buxar (Ind.) P.S. Case No. 118 of 2021 registered for the offences under Sections 414 and 34 of the Indian Penal Code and the police demanded illegal gratification from the petitioner and when he denied the same, the police has implicated the petitioner in a number of cases of similar nature. There is no direct or circumstantial evidence against this petitioner and the allegations are out and out false and baseless. The learned counsel further submits that the petitioner has been made accused in a number of cases, i.e., altogether 19 cases out of which he is on bail in 12 cases and though he has not been remanded in 7 cases, but antecedent report for the same has been submitted by the police against the petitioner, which shows highhandedness of the police. Charge sheet has been submitted in this case and the petitioner is in custody since 01.02.2022. The learned counsel further submits that similarly placed co-accused has been granted bail by a Coordinate Bench of this



Court vide order dated 08.08.2022 passed in Cr. Misc. No. 24332 of 2022.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is a habitual offender and he has got a large number of cases pending against him which are of similar nature.

Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner, he is directed to 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 Town P.S. Case No. 254 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each



and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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