

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34598 of 2022

Arising Out of PS. Case No.-59 Year-2021 Thana- RAJPUR District- Rohtas

Lal Krishna Gupta, S/o Pradeep Kumar Gupta R/o Mohalla- Byapar Mandal,
Mohan Bigha, P.S.- Dehri (T), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Narayan Rai, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-09-2022 Heard learned counsel for the petitioner and the learned
APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The case is registered under Section 394 of the IPC in
connection with Rajpur P.S. Case No.59 of 2021.

As per prosecution story, the police alleged that the
informant Rajan Kumar after collecting Rs.2,50,000/- from the
shopkeepers of Rajpur was returning when 3-4 accused persons
intercepted and took away the bag containing the money as also the
mobile phone. Accordingly, the FIR was registered.

Mr. Amrendra Narayan Rai, learned counsel for the
petitioner submits that petitioner is in custody since 05.06.2021 and
on his confessional statement he was remanded in this case on
22.12.2021, although nothing has been recovered from his conscious
possession (as stated in para-7 of the bail application).



Dr. Mrityunjaya Kumar Gautam, learned APP on the other hand submits that a bare perusal of the learned Sessions Judge order would show that pursuant to his confession in para-106 of the case diary the police recovered/seized a mobile from his house.

It is unfortunate that a wrong/ false statement was made by the learned counsel for the petitioner which found incorporated in para-7 of the bail application despite the fact that the learned Sessions Judge has incorporated recovery/seizure of the mobile from his house.

Such action of the learned counsel for the petitioner is deprecated and he is warned to be cautious in his submission and desist from incorporating false statements.

So far as the case in hand is concerned, it is an old saying that for the fault of the learned counsel, the accused should not suffer if he otherwise is entitled to relief.

Taking into account the aforesaid fact that he is in custody since 05.06.2021, has been remanded on 22.12.2021 and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail after framing of charges.

Let the petitioner be released on bail after framing of charges on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Rajpur P.S. Case No.59 of 2021 to the satisfaction of learned Judicial Magistrate, Rohtas at Sasaram/successor court, subject to



following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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