

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37055 of 2022**

Arising Out of PS. Case No.-324 Year-2020 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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SUSHANT KUMAR GUPTA @ TINKU KUMAR SAH S/O LATE KEDAR
NATH SAH Resident of Village- Chhoti Ballia, Upper Tola, P.S.- Ballia,
District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anwar Karim, Advocate
For the Opposite Party/s : Mr.Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-09-2022 Heard learned counsel for the petitioner and

learned counsel for the State as also Mr. Adarsh Singh

learned counsel for the informant.

Let the defect(s), if any, as pointed out by the
office be removed within four weeks.

The petitioner is in judicial custody in connection
with Complaint Case No. 324 of 2020 for the offences under
Sections 147, 406, 420, 467, 468, 387, 388, 471/120 (B),
504 and 506 of the Indian Penal Code.

As per the FIR, the allegation is that the accused
persons including the petitioner who is a practising lawyer



in Civil Court, threatened the complainant to withdraw the civil case with regard to agreement of sale of land that was executed by the family member and title case pending failing which the accused person can take extreme step of killing the complainant.

Learned counsel for the petitioner submits that only to put pressure in the civil matter, he has been implicated in this case and he being a lawyer cannot be a part of the said accusation. It is his further submission that irrespective of the outcome of the bail application, is ready to pay sum of Rs. 20,000/- towards Patna High Court Legal Services Committee, Patna.

Per contra, Mr. Adarsh Singh, learned counsel for the informant submits that a bare perusal of the complaint would show that the petitioner despite being a lawyer had become an accomplice with the accused persons in threatening the complainant to take back the civil suit.

Be that as it may, the charge-sheet stands already been submitted and cognizance has been taken in the matter, the petitioner is in custody since 27.4.2022, this Court is inclined to grant him the privilege of bail subject to payment of Rs. 20,000/- through Demand Draft issued by the State



Bank of India local branch in favour of the Patna High Court Legal Services Committee, Patna.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Complaint Case No. 324 of 2020 subject to the 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 in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(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)

Ravi/Ajay Singh

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