

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37837 of 2022

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

ANJANI KUMAR GUPTA @ MANTOO @ MANTOO GUPTA Son of
Ramesh Prasad R/o village - Bihiya Jaj Bazar, P.S.- Bihiya, District - Bhojpur
(Arrah).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 38321 of 2022

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

ANKIT RAJ S/O RAJENDRA PRASAD Resident of Adarsh Vihar Colony,
Bihiya, P.S.- Bihiya, District- Bhojpur (Ara).

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 38996 of 2022

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

RAVI KUMAR GUPTA SON OF GOPAL PRASAD R/O
VILLAGE/MOHALLA- RAZA BAZAR, BIHIA, P.S.- BIHIA, DISTRICT-
BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 37837 of 2022)

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 38321 of 2022)

For the Petitioner/s : Mr.Arvind Kumar Pradhan

For the Opposite Party/s : Mr. Bharat Bhushan, APP

(In CRIMINAL MISCELLANEOUS No. 38996 of 2022)

For the Petitioner/s : Mr.Rang Nath Choubey

For the Opposite Party/s : Mr.Khurshid Anwar



CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-09-2022 Heard learned counsel for the petitioners and learned
APP for the State.

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

The petitioners are in custody in connection with
Buxar Town P.S. Case No. 254 of 2021 under sections 457/380
of the Indian Penal Code

The petitioners who have dozen of cases under his
belt of almost same nature and as per the allegation in the FIR,
the informant had gone to Buxar in relation to the treatment of
her mother who also subsequently died whereafter he went to
his parental home for the rituals. When the informant returned
and opened his house, to his surprise all jewellery of his mother
were stolen by the thieves which he estimated to be of Rs. 25
lakh.

Learned counsel for the petitioners submits that
only because they have dozen of cases against them, they have
been implicated in this case and taking this court's attention to
para-8 of the bail application, learned counsel for the petitioners
submits that no stolen articles/materials has been
recovered/seized from the personal possession of the petitioners.



He further submits that that if it is found that contrary to the statement made by them, there had been recovery from the possession of the petitioners, if the petitioners are enlarged on bail, the same may accordingly be held cancelled. He lastly submits that the charge-sheet stands submitted and they are in custody since 10.02.2022 (Anjani Kumar Gupta @ Mantoo @ Mantoo Gupta), 1.2.2022 (Ankit Raj) and 07.07.2022 (Ravi Kumar Gupta).

Taking into account the aforesaid fact that the petitioners are in custody since 10.02.2022 (Anjani Kumar Gupta @ Mantoo @ Mantoo Gupta), 1.2.2022 (Ankit Raj) and 07.07.2022 (Ravi Kumar Gupta) and further as per the statement made by the counsel for the petitioners that there has not been any recovery from their respective possessions and the charge-sheet stands submitted, this Court is inclined to grant them the privilege of bail after framing of charge. However, it is made clear that if it is found that there had been any recovery from the possession of the petitioners, this bail order shall become infructuous.

Further in view of the fact that the petitioner of Cr. Misc. No. 37837 of 2022 and Cr. Misc. No. 38321 of 2022 has 12 criminal cases and petitioner of Cr. Misc. No. 38996 of 2022



has six criminal cases under their respective belts, this Court is inclined to put some strict conditions while enlarging them on bail.

Let the petitioners be released on bail after framing of charge on furnishing bail bond of Rs. 20,000/- (Twenty thousand) each with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar, in connection with Buxar Town P.S. Case No. 254 of 2021 subject to the following conditions:

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

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners shall leave the district of Buxar for a period of three month(s) after providing name and address and police station of his place of stay during the said period and they shall be duty bound to visit the police station concerned (where he will stay) every week to mark their attendance;

(iv) upon return to his district, they shall visit the



concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioners 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 their bail bonds;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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