

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49687 of 2021

Arising Out of PS. Case No.-759 Year-2019 Thana- KOTWALI District- Patna

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Harendra Kumar Gupta @ Harendra Gupta Son of Late Bihari Sah Resident
of Village- Harigaon, P.S.- Jagdishpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Sr. Advocate with
Mr. Rajesh Kumar Pandey, Advocate.
For the Opposite Party/s : Mr. Jagdhar Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 25-07-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Baxi S.R.P. Sinha, learned Sr. counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State through video conference.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Kotwali P. S. Case No. 759 of 2019
registered for the offences punishable under Sections 417, 418,
419, 420, 467, 468, 471, 472, 192, 196, 197, 199, 200 and 120
(B) of the Indian Penal Code.

As per the prosecution case, it is alleged that this



petitioner by suppressing the fact of the pendency of Cr. Misc. No. 77922 of 2018 again filed another petition being Cr. Misc. No. 79467 of 2018 in which his mother Sipti Devi said to have sworn affidavit.

Learned senior counsel appearing on behalf of the petitioner submitted that considering the facts of filing two consecutive anticipatory bail on behalf of the petitioner by suppressing the earlier one, an enquiry has been conducted by the learned Registrar General, Patna High Court and on being found guilty an F.I.R. has been instituted against him and his mother. Earlier the Hon'ble Court vide its order dated 22.01.2021 in Cr. Misc. No. 20701 of 2020 has been pleased to reject the prayer of anticipatory bail application of the petitioner and directed him to surrender before the learned court below within a period of six weeks and pray for regular bail. It is further submitted that in compliance of the order of this Hon'ble Court, the petitioner has surrendered on 25.02.2021 and since then he is in custody. It is next submitted that all the offences, as alleged in the F.I.R., are triable by the Magistrate and this petitioner has already appropriately punished, apart from that the petitioner is ready to give undertaking that he will fully co-operate in the trial.



On the other hand, learned APP for the State opposes the bail application and submits that fraud has been played upon the court.

Having considered the submissions made on behalf of the parties and taking into account that in compliance of the order of this Hon'ble Court, the petitioner suo moto surrendered and he is in custody since 25.02.2021 and all the offences are triable by the Magistrate, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Kotwali P. S. Case No. 759 of 2019, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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