

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39729 of 2022

Arising Out of PS. Case No.-118 Year-2021 Thana- BUXAR INDUSTRIAL District- Buxar

Ravi Kumar Gupta Son of Gopal Prasad Resident of Vilage/Mohalla- Raza
Bazar, Bihia, Ps- Bihia, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rang Nath Choubey, Advocate
For the Opposite Party/s	:	Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 17-10-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Buxar (Industrial) P.S. Case No.118 of 2021 registered for the offence punishable under Sections 414 and 34 of the Indian Penal Code.

As per the allegation, the police personnel acting upon a secret information reached the alleged place and apprehended the accused persons including the petitioner and conducted a search in two Scorpio vehicles from which ornaments, mobile phones and some cash amount were recovered and the accused persons confessed before the police that the recovered orna-



ments had been stolen by them.

The main submissions advanced by the learned counsel Mr. Rang Nath Choubey for the petitioner are that the petitioner has been languishing in jail since 07.07.2021 in the present matter and at the time of alleged recovery of ornaments and other articles from the alleged vehicles the petitioner was bonafidely travelling in one of the said vehicles as a passenger and from his conscious possession only a mobile phone and Rs.1630/- were recovered and the recovered ornaments were not put on Test Identification Parade during the course of investigation. Further submission is that against the petitioner there is criminal antecedent of six cases and he is on bail in four cases out of the said antecedents and most of the said cases were lodged against unknown persons. Further submission is that co-accused Saddam Hasmi has been granted bail by a Co-ordinate Bench of this Court vide order passed in Cr. Misc. No.32254 of 2022 and some other co-accused persons have also been granted bail by this Court and the case of this petitioner stands on similar footing.

Learned APP Mr. Khurshid Anwar appearing for the State has opposed the bail prayer.

In view of above submissions and mainly considering



the fact that from the conscious possession of the petitioner only a mobile phone and Rs. 1630/- were recovered by the police and as per the above submission the seized articles along with ornaments were not put on Test Identification Parade during the investigation by the police and the said submission has not been refuted by the learned APP and co-accused Saddam Hasmi carrying similar nature of allegation has been granted bail by a Coordinate Bench of this Court and also taking into account the petitioner's custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Buxar (Industrial) P.S. Case No.118 of 2021, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case the prosecution will be at liberty to move
for cancellation of bail.

(3) One of the bailers shall be a close relative of the
petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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