

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53308 of 2021

Arising Out of PS. Case No.-46 Year-2020 Thana- DIGHA District- Patna

VISHAL GUPTA SON OF BHUVNESHWAR PRASAD @ BHUNESHWAR
PRASAD R/O VILLAGE- DIGHWARA SHANKARPUR ROAD, P.S.-
DIGHWARA, DISTRICT- CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivanand Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-04-2022 Heard learned counsel for the parties.

The petitioner is in judicial custody in connection with Digha P.S. Case No. 46 of 2020 registered under Sections 399, 402 and 414 of the Indian Penal Code as also Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per the prosecution story, the informant, Sub-Inspector of Digha Police Station was on patrolling duty and when he got secret information that some persons have assembled at a lonely place near *Udan Tola* to commit serious crime, they reached the spot and saw some accused persons trying to escape. Four of them were apprehended with a motorcycle who gave their name as Vishal Gupta (petitioner herein), Sudhanshu Kumar, Priyanshuu Kumar and Rajiv



Kumar. They also gave the name of the accused, who escaped from the scene. They were searched whereafter a countrymade pistol and two live cartridges from him were recovered. He was arrested accordingly and sent to the judicial custody on 25.01.2020.

Learned counsel for the petitioner submits that no crime was committed and only because of his implication in earlier cases, police has once again arrested and has attributed a countrymade pistol and two live cartridges in his possession.

Taking into consideration the fact that charge sheet has already been submitted in the matter and the petitioner is in jail since 25.01.2020, 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 in connection with Digha P.S. Case No. 46 of 2020 to the satisfaction of learned SDJM, Patna, subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioner who will provide official documents showing his *bona fide*;

(ii) he shall visit the concerned police station every 15 days for next six months and failure to do so, the State shall take appropriate steps for cancellation of his bail bond.



With the aforesaid observation, the bail application is
allowed.

(Rajiv Roy, J)

Jagdish/-

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