

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50678 of 2022

Arising Out of PS. Case No.-317 Year-2022 Thana- GARDANIBAG District- Patna

RAHUL GUPTA Son of Uday Shankar Gupta Resident of Mohalla - Rajapur,
Indira Nagar, Police Station - Patliputra, District - Patna, State- Bihar, India.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birmani Kumar, Advocate
For the Opposite Party/s : Mr.Rajiv Nayan, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-12-2022 Heard the learned counsel appearing for the petitioner
and learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with
Gardanibagh P.S. Case No. 317 of 2022 for the offence
punishable under Section 395 of the Indian Penal Code.

The allegation is regarding five unknown miscreants
having arrived at the shop of the informant on 03.06.2022 at
about 1:00 P.M., whereafter they had tried to decamp with boxes
of gold and silver jewellery/articles, however, the informant is
stated to have raised an alarm, whereupon the miscreants had
fled away and during the course of fleeing away, the miscreants
had dropped five boxes of gold/silver jewellery/articles but had
succeeded in decamping with jewellery worth Rs. 1,50,000/-. As
far as the petitioner is concerned, he is stated to be the owner of
Anjali Jewellers and his name is stated to have transpired in the



present case upon confessional statement made by one miscreant namely Dilip Kumar, after he was arrested by the police and a raid was conducted in the shop of the petitioner, from where several gold/silver jewellery/articles were seized.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 07.06.2022. The learned counsel for the petitioner has further submitted that the petitioner has got no complicity in the matter and admittedly he is not one of the miscreants who had stolen jewellery from the jewellery shop of the informant and has merely been alleged to be the purchaser of the stolen jewellery, nonetheless, the seizure list would show that the articles, seized from the shop of the petitioner, are such which are normally kept in any jewellery shop, during the usual course of business. It is also submitted that no Test Identification Parade has been held as far as the seized articles/jewellery is concerned, hence the petitioner cannot be stated to be having any complicity in the matter.

Per contra, the learned A.P.P. appearing for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the



case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that neither the petitioner is one of the miscreants who had gone to the jewellery shop of the informant for committing loot of gold/silver articles/jewellery nor the materials on record suggest that the articles seized from the possession of the petitioner are the same which were stolen from the shop of the informant, apart from the fact that the petitioner is languishing in custody since 07.06.2022, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail upon him furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Patna in connection with Gardanibagh P.S. Case No. 317 of 2022.

(Mohit Kumar Shah, J)

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