

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64012 of 2021**

Arising Out of PS. Case No.-114 Year-2021 Thana- NOORSARAI District- Nalanda

RAUSHAN GUPTA Son of Sri Sanjay Sao Resident of Chaukhandipar, Naw
Durga, P.S. - Bihar, District - Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gopal Jha, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 05-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Nursharai P.S. Case No. 114 of 2021 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act. He is in custody since 03.04.2021 having one criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, while the informant got secret information that near village Doniya More some miscreants are planning to rob a businessmen, thereafter he reached at that place and found five persons, who were on two



motorcycles. On seeing the police party they started to flee away but police caught three persons whereas two persons managed to escape. The arrested persons disclosed their name as Raushan Gupta (the petitioner), Mritunjay Kumar @ Radhey, Shankar Kumar @ Surya.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case only on suspicion and he is in custody since 03.04.2021.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that this petitioner was though allegedly arrested by police while he was trying to flee away but in connection with this case he has remained in custody since 03.04.2021, he has got one criminal antecedent in which his prayer for bail is still pending and further submission that the trial in this case is not likely to be concluded in near future, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VII, Nalanda at Biharsharif in connection with Nursharai P.S. Case No. 114 of 2021, subject to the condition as laid down under



Section 437 (3) Cr.P.C.

And further condition that 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 cancellation 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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

