

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67523 of 2021

Arising Out of PS. Case No.-308 Year-2021 Thana- KATEYA District- Gopalganj

Rakesh Gupta @ Guddu Gupta @ Rakesh Son Of Late Shiv Narayan Gupta
@ Shivanarayan, R/O Village - Gangua Bazar, P.S.- Pataherwa, District -
Kushinagar (U.P.).

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within two weeks
after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in
connection with Kateya P.S. Case No. 308 of 2021 registered for
the offences punishable under Sections 411, 414, 323, 504, 353,
332, 333/34 of the Indian Penal Code. He is in custody since
04.09.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant intercepted two persons riding
on motorcycle in course of vehicle checking who disclosed their
name as Guddu Chauhan and Sunil Rai and from their possession
one motorcycle bearing no. UP57S4512 was found of which no



paper was produced. On query, they disclosed that one Namuna Khatik used to commit theft of motorcycle and is involved in selling of the same to the owner of Sharab Bhatti, Rakesh Gupta @ Guddu Gupta and his brother Arun Gupta. It is further alleged that the informant raided the Sharab Bhatti from where Rakesh Gupta, Arun Gupta and Namuna Khatik were arrested and recovered five motorcycles of which on demand no paper was produced.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the alleged recovery of stolen motorcycle is said to have been made from the Sharab Bhatti owner of which is one Sonu Kumar Rawat in whose favour licence was issued and not this petitioner. It is submitted that the petitioner has no criminal antecedent and he is in custody in connection with this case since 04.09.2021.

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

Having regard to the submission that the name of the petitioner has transpired as one of the three persons who were fleeing on seeing the police and from the place of the petitioner which is said to be a Sharab Bhatti five stolen motorcycles were recovered but the fact is that the petitioner is not the owner of the



Sharab Bhatti and the owner of the Sharab Bhatti is one Sonu Kumar Rawat in whose name licence of Sharab Bhatti was issued (Annexure '2') and further considering that the petitioner is in custody since 04.09.2021, investigation against him is complete, his presence may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj in connection with Kateya P.S. Case No. 308 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 steps 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

