

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10359 of 2023

Arising Out of PS. Case No.-64 Year-2019 Thana- DEWARIA District- Muzaffarpur

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Dharmveer Prasad Gupta @ Dharmveer Gupta @ Dharmveer Kumar Gupta
S/O Late Yogendra Prasad Gupta Resident of Village- Dharphari, P.S.- Deori,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar, Advocate. Mr. Rajeev Ranjan No.II, Advocate. Mrs. Priyanka Kumari, Advocate.
For the Opposite Party/s :		Mr. Sucheta Yadav, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-05-2023 Heard Mr. Pranav Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody since 19.10.2022 in connection with Deoria P.S. Case No. 64 of 2019, registered for the offences punishable under Sections 356, 382 of the Indian Penal Code. However, the police after investigation submitted charge-sheet under Sections 395 and 412 of the Indian Penal Code.

It is alleged that on 18.05.2019 at about 06:30 pm, informant after keeping gold and silver jewelries in his bag was going to his house, in the meantime, 5-6 miscreants, overtook the vehicle of the informant and on the point of pistol, they took



away the bag containing gold and silver jewelries.

Submission has been made on behalf of the petitioner that FIR has been instituted against unknown miscreants, however, during the course of investigation one Anand Kumar was apprehended by the police and the name of the petitioner has sprung up on his confessional statement and save and except the confessional statement of the co-accused Anand Kumar there is no material suggesting the complicity of the petitioner in the present crime. Apart from the fact that neither the petitioner was put on Test Identification Parade nor any incriminating material has been recovered from his person or possession. Further, the co-accused on whose confession the name of the petitioner has transpired, has been allowed privilege of bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 75099 of 2019 vide order dated 25.11.2019.

On the other hand learned APP for the State opposes the bail application and vehemently submitted that the petitioner is carrying four criminal cases over his head, and he appears to be a habitual offender.

Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the confessional statement of the co-accused Anand Kumar, there is



no material against the petitioner and neither the petitioner was put on test identification parade nor any incriminating material has been recovered, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, (West) Muzaffarpur, in connection with Deoria P.S. Case No. 64 of 2019, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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