

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33986 of 2023

Arising Out of PS. Case No.-210 Year-2023 Thana- BETTIAH CITY District- West
Champaran

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VIJAY GUPTA @ VIJAY PRASAD SON OF LATE VISHWANATH GUPTA
RESIDENT OF VILLAGE- DUMARI, PS- YOGAPATTI, DISTT- WEST
CHAMPARAN AT BETTIAH. AT PRESENT RESIDENT OF RAJGURU
CHOWK, BETTIAH, PS- BETTIAH TOWN (KALIBAGH O.P.) DISTT-
WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, Sr. Advocate
		Mr.Lakshmi Kant Sharma, Advocate
For the Opposite Party/s :		Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Bettiah Town (Kalibagh O.P.) P.S. Case NO. 210 of 2023 lodged
on 21.03.2023 under Sections 302, 120B/34 of the Indian Penal
Code and Section 27 of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against unknown accused persons for the matters relating
to tender of *balu ghat*.

4. Learned counsel for the petitioner submits that the
petitioner is not named in the FIR, rather his name has figured
later on in the confessional statement of co-accused. He further



submits that in the rejection order the Sessions Court has categorically discussed against the petitioner and upon bare perusal of the ordersheet, it is transpired that only suspicion has been raised and no conclusiveness of commission or involvement of the petitioner are figured in the said ordersheet which has been passed after going through the case diary. He further submits that the petitioner is in custody since 24.03.2023, but he admits that total nine criminal cases are pending against him. Out of nine cases, in the three cases, the petitioner has been acquitted and in the rest cases, he is on bail.

5. Learned counsel for the State vehemently opposes the prayer for bail of the petitioner and submits that there is definite involvement of the petitioner in commission of the said crime and the antecedents of the petitioner are there which may not be ignored.

6. In view of the aforesaid facts and circumstances, I am not inclined to grant regular bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner in connection with Bettiah Town (Kalibagh O.P.) P.S. Case No. 210 of 2023, pending before the learned Chief Judicial Magistrate, West Champaran at Bettiah is hereby rejected.

8. However, the petitioner would be at liberty to



renew the prayer for bail after framing of charge. The trial Court is directed to release the petitioner on bail after framing of charge on its own conditions so that the petitioner may not evade appearance on the date fixed.

9. With the above observation, the bail application stands disposed of.

(Dr. Anshuman, J)

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