

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38102 of 2023

Arising Out of PS. Case No.-415 Year-2022 Thana- SAHPUR District- Bhojpur

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1. SANJAY GUPTA SON OF LATE RAM NATH GUPTA Resident of Village And Police Station- Shahpur, District- Bhojpur
 2. Ajay Gupta Son of Late Ram Nath Gupta Resident of Village And Police Station- Shahpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Dhirendra Pratap Singh, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seeks bail in connection with Shahpur P.S. Case No. 415 of 2022 dated 28.11.2022, instituted for the offence punishable under Sections 302, 120(B), 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that 27.11.2022 at about 02:00 pm both the petitioners along with other co-accused persons came to the house of the informant and started firing on the brother of the informant. Victim was taken to the hospital where he was declared dead.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and they are falsely implicated in this case. It is further submitted that specific allegation is against one Vidya Sagar and four other persons. He further submitted that allegation against the petitioners are that they were members of the mob. It is submitted that the co-accused Vidya Sagar caused fire arm injury upon the brother of the informant which hit him on his chest and the other four accused persons also fired upon the deceased causing injury on his hands and other parts of the body. It is further submitted that specific allegation of firing is against five persons namely, Vidya Sagar, Arjun Dhanuk, Gushan Gupta, Krishna Kumar and Nikki Singh however, there is no allegation of firing against the petitioner. Lastly, it has been submitted that the petitioners are in custody since 08.02.2023, having three and two criminal antecedents against petitioner nos. 1 and 2 respectively and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned A.C.J.M., Bhojpur in Shahpur P.S. Case No. 415 of 2022, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

sankalp/-

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