

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45047 of 2023

Arising Out of PS. Case No.-100 Year-2022 Thana- TETERHAT District- Lakhisarai

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DHUPENDRA GUPTA @ DHUPENDRA KUMAR GUPTA S/O LATE
SHANKAR SAH R/O VILLAGE - KABAIYA ROAD, WARD NO. 25,. PS.
KABAIYA AND DIST. LAKHISARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Ms. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 307 and
302/34 of the Indian Penal Code as well as Section 27 of the
Arms Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

4. The informant alleges that accused persons
including the petitioner came and assaulted him, Raushan Gupta
fired killing the mother of the informant and petitioner fired
causing injury to the informant on the left hand and he was
taken to the hospital.

5. Learned counsel for the petitioner submits that



petitioner has been falsely implicated in the present case. It is further submitted that during the course of investigation neither the tower location of the petitioner corroborated with the allegation that he was present at the place of occurrence nor the CCTV footage obtained from the house of the informant shows the presence of the petitioner at the time of occurrence rather the CCTV footage obtained from the house of the petitioner at Patna shows that he was present at his residence at the time of occurrence. Learned counsel for the petitioner submits that accordingly, the police after carrying investigation submitted Final Form No. 199 of 2022 (Annexure-2) in favour of the petitioner finding him innocent but the learned trial court in a mechanical manner took cognizance based on the same police report and thus the petitioner apprehends his arrest.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned court below where the case is pending/successor court in connection with Tetarhat P.S. Case No. 100 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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