

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51285 of 2023

Arising Out of PS. Case No.-133 Year-2022 Thana- SALIMPUR District- Patna

Vishal Kumar Gupta @ Vishal Kumar S/O Bhuneshwar Prasad R/O Village-
Dighwara, Ps. Dighwara, Dist. Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivanand Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 16.07.2022 in connection with Salimpur P.S. Case No. 133 of 2022, F.I.R. dated 16.07.2022 for the offences punishable under Sections 399, 402, 412 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

3. Recovery is of one country made Katta and two live cartridges from the possession of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that one country made Katta and two live cartridges have been recovered from the possession of the petitioner. He further submits that there is non-compliance with



mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. and similarly situated, co-accused, namely, Nitesh Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 06.01.2023 passed in Cr. Misc. No. 58075 of 2023, another co-accused namely, Pappu Kumar has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 20.01.2023 passed in Cr. Misc. No.57270 of 2022 and another co-accused namely, Sonu Kumar @ Sonu Sankar has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 03.04.2023 passed in Cr. Misc. No.3682 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 16.07.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six criminal antecedents other than the present one but fairly submits that out of six cases petitioner is on bail in three cases as stated in para-3 of the bail petition.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Barh, Patna in connection with Salimpur P.S. Case No. 133 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed 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. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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 step 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.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

