

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53772 of 2023

Arising Out of PS. Case No.-53 Year-2020 Thana- VAISHALI District- Vaishali

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DHARMVEER PRASAD GUPTA @ DHARMVEER GUPTA @
DHARMVEER KUMAR GUPTA S/O LATE YOGENDRA PRASAD
GUPTA R/O VILLAGE- DHARPHARI, P.S- DEORIA, DISTT.-
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- II, Advocate
	:	Mrs. Priyanka Kumari, Advocate
	:	Mr. Kumari Seema Singh, Advocate
	:	Mr. Kumar Rupa, Advocate
	:	Mr. Anjana Gupta, Advocate
	:	Mr. Ajay Veer, Advocate
For the Opposite Party/s :	:	Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-08-2023 Heard the parties.

The petitioner is in custody since 24.01.2022 in connection with Vaishali P.S. Case No. 53 of 2020 for the offence punishable under Sections 395 I.P.C, lodged on 14.02.2020 by the informant, Mukesh Kumar Singh.

As per the prosecution story, the informant alleged that while he was returning, the accused persons on two motorcycles overtook him and on the point of pistol, took away Rs. 1,51,000/- from the dicky of the motorcycle as also the documents/mobile. Accordingly the FIR.



It is the case of the petitioner that the name has come in the confessional statement of co-accused Satish Kumar @ Girdhan Singh but despite his custody since 21.03.2022, no Test Identification Parade has been conducted nor anything recovered from his possession.

Learned APP opposes the prayer for bail.

Considering the submission put forward by the learned counsel for the petitioner as also the fact that despite his custody for more than a year, no Test Identification Parade has been conducted, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Vaishali P.S. Case No. 53 of 2020 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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