

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55413 of 2023

Arising Out of PS. Case No.-227 Year-2023 Thana- SHERGHATI District- Gaya

Vinay Gupta @ Vinay Prasad Gupta @ Vinay Kumar Gupta Son Of Ganesh
Saw Resident Of Village- Padri, Po- Sahdeokhap, Ps- Dobhi, Distt- Gaya
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate.
For the Opposite Party/s : Mr. Shailendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2023 Heard Mr. Rama Kant Singh, learned counsel for the
petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Sherghati (Dobhi) P.S. Case No.227 of 2023, registered for the offences punishable under Sections 387, 386, 427, 379, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly, while the informant and his friends were busy in construction work, in the meantime, all the accused persons variously armed with weapon came there and started resorting fire in order to terrorize them and also demanded extortion of Rs.20,00,000/-. It is also alleged that the accused persons had came along with the JCB machine and from which they have damaged the constructed structure.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner has been made accused only in the capacity of being owner of the JCB machine, however, there is no allegation that he has participated in the crime of demanding extortion and resorting fire. He further submits that the petitioner is admittedly the owner of the JCB machine but the same was given to the co-accused Zakir Raza Khan @ Amir Khan on rent for the purpose of digging his field and the petitioner was not even aware with regard to the commission of the crime. He next submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the Court proceedings and in case the need would arise, he would produce his JCB machine.

5. On the other hand learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has been made accused only in the capacity of being owner of the JCB machine, coupled with his fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of the learned Additional Chief Judicial Magistrate-
I, Sherghati, Gaya in connection with Sherghati (Dobhi) P.S.
Case No.227 of 2023, subject to the condition as laid down
under Section 438(2) of the Code of Criminal Procedure with
further condition that one of the bailors shall be the own/close
family members of the petitioner.

(Harish Kumar, J)

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