

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60282 of 2022**

Arising Out of PS. Case No.-726 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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Arun Kumar Gupta, Son of Rajendra Kumar Gupta @ Rajendra Prasad, R/V-
Sugauli Seswania Tola, P.S- Sugauli, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of four weeks from today.

Heard Mr. Priyesh Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Motihari Town P.S. Case No. 726 of 2021
registered for the offences punishable under Sections 399, 402
of the Indian Penal Code read with under Sections 25(1-b)a, 26,
35, 25(1-aa) of the Arms Act.

As per the prosecution case, it is alleged that the
police on a secret information regarding assemblage of
miscreants for committing some crime rushed to the place of
occurrence and apprehended five persons, including the



petitioner. On search, one country made loaded pistol and four life cartridges were recovered.

Learned counsel appearing on behalf of the petitioner submits that in fact nothing has been recovered from the possession of the petitioner, however, only on account of his past criminal antecedent his name has been implicated in this case, showing the recovery from his possession. He next submits that there is no independent witness to the alleged recovery, however, other co-accused persons, having more or less similar allegation and for whose possession also the arms has been recovered, they have been allowed the privilege of bail by the learned co-ordinate Bench of this Court, the copies of which has been annexed as Annexure -2 (series) to the petition. He next submits that so far the other four cases as has been mentioned in paragraph no. 3 is concerned, the petitioner is on bail in all the cases. He lastly submits that the petitioner is in custody for more than a year.

On the other hand, learned counsel for the State vehemently opposes the bail application and submits that the petitioner is a habitual offender as has been found involve in four other cases, beside the present one.

Having regard to the submissions made on behalf of



the parties and considering the fact that other co-accused persons have already been allowed the privilege of bail and the petitioner is in custody for more than a year coupled with the fact that investigation is already complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned 12th Additional Sessions Judge, East Champaran, Motihari in connection with Motihari Town P.S. Case No. 726 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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