

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73523 of 2022

Arising Out of PS. Case No.-430 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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RAMESH GUPTA @ RAMESH KUMAR GUPTA S/O RAM AYODHYA
PRASAD Resident of village- Mirpur, P.S.- Chiraiya, District- East
Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mr. Ritwik Thakur, Advocate
	:	Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
14.10.2022 in connection with Town P.S. Case No. 430 of
2022, F.I.R. dated 23.06.2022 registered for the offence
punishable under Sections 302,120(B)/34 of IPC and Section 27
of the Arms Act.

Allegation against the petitioner is that he alongwith
other co-accused persons committed murder to the husband of
the informant due to business rivalry.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent and he has falsely been



implicated in the present case due to previous business dispute between the parties. Further submits that even the informant is not the eye witness of the alleged occurrence and even no one has seen the present occurrence and nothing has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence, except the suspicion. Further submits that the similarly situated co-accused, namely, Santosh Gupta @ Santosh Kumar has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 25.04.2023 passed in Cr. Misc. No.75272 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.10.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Town P.S. Case No. 430 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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)

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