

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35395 of 2024

Arising Out of PS. Case No.-634 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Sujit Kumar Gupta S/o- Rama Sah Vill- Sasamusa Ps- Kuchaikot Dist-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Adesh Raj Singh, Adv.

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Kuchaikot P.S. Case No. 634 of 2023 (Sessions Trial No.

161 of 2024) instituted for the offences under Section 392

of the Indian Penal Code and Section 25(1-b)(a)/26/35 of

the Arms Act.

3. As per prosecution case, the accusation against

the petitioner is of being involved in snatching of mobile

along with Rs. 2,000/- from the Informant by putting

country-made pistol on the temples of the Informant and his

cousin.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has surfaced in this case during investigation. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. No T.I.P. has been done by the police in this case and, only on suspicion, the petitioner has been made accused in this case. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent in which he is on bail and is languishing in judicial custody since 27.12.2023 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. From perusal of the impugned order, it appears that the charge-sheet has been submitted against the



petitioner under Section 395, 412 of the Indian Penal Code and Section 25(1-b)A 26/35 of the Arms Act, the cognizance has been taken and the case was committed to the Court of Sessions. Thereafter, the charge has been framed against the petitioner on 04.03.2024. He further submits that the police has also recovered one country made pistol with one loaded cartridge, two Realme mobile phones bearing no SIM and one Oppo touch-screen mobile as well as one looted motorcycle bearing no number plate from the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kuchaikot P.S. Case No. 634 of 2023 (Sessions Trial No. 161 of 2024), subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.



(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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