

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46128 of 2024

Arising Out of PS. Case No.-215 Year-2017 Thana- RAXAUL District- East Champaran

Dewa Gupta Son Of Hari Kishore Gupta Village- Ward No. 18, Barhi Tola,
Ps- Chhatuni, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-12-2024 Heard Mr.Ravindra Kumar, learned counsel for the

petitioner and Mr.Anil Kumar Singh No. 1, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Raxaul P.S. Case No.215 of 2017, dated 03.07.2017 registered for the offences punishable under Sections 307/120B/324/34 of IPC and Section 27 of the Arms Act.

3. Four unidentified miscreants are alleged to have entered in to the premises of the school of the informant and started indiscriminate firing as a result of which two bus drivers have sustained bullet injuries.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the



present case. Petitioner is not named in the FIR. Name of the petitioner has been transpired during investigation on the basis of second supervision report of the concerned Superintendent of Police which suggests that the petitioner was arrested in Raxaul P.S. Case No.216 of 2017 on 25.01.2018 and he has confessed his guilt in the present occurrence. Learned counsel for the petitioner has drawn the attention of the 1st supervision report of the Superintendent of Police in which he has not recorded any confessional statement of the petitioner. Learned counsel for the petitioner further submits that when the petitioner has confessed his guilt in the year 2018 itself but the police has not remanded as yet even in the year 2018 when the petitioner has confessed his guilt he was in judicial custody but he has not remanded in the present case and he has falsely been implicated in the present case due to political rivalry between the informant side.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries thirteen more cases other than the present one but fairly submits that out of thirteen case, petitioner is on bail in eleven cases, in one case, he has been discharged and rest one case is pending for consideration, as mentioned in para-3 of the anticipatory bail petitioner as well as



supplementary affidavit.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 in connection with Raxaul P.S. Case No.215 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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.

(II) 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.

(III) 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/her



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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