

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49998 of 2024

Arising Out of PS. Case No.-148 Year-2024 Thana- BUXAR District- Buxar

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Suraj Gupta @ Avinash Gupta @ Abhisbash Gupta, son of Binod Sah @
Binod Kumar Sahu, resident of Village- Hakimpur Sukawalia, P.S.- Itarhi
Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2024 Heard Mr. Mr. Santosh Kumar, learned Advocate for
the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Buxar Town P.S. Case No. 148 of 2024
registered for the offence punishable under Section 379 of the
Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that while the informant went to purchase some house
hold articles by parking his motorcycle, in the meantime, some
unknown thief has stolen his motorcycle.

4. Learned Advocate for the petitioner contended that
the F.I.R. has been instituted against unknown miscreants.



However, during the course of investigation, the petitioner was apprehended along with one Rahul Kharwar, who were riding the motorcycle, in question. It is further contended that in fact the petitioner is nothing to do with the stolen motorcycle and he was only a pillion rider, sitting along with Rahul Kharwar, but taking note of the past criminal antecedent of the petitioner of identical nature, his name has been implicated in this case. It is next contended that be that as it may, the crime, in question, is triable by the Magistrate and now the petitioner is incarcerated since 15.03.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is carrying nine criminal antecedent of identical nature over his head and his complicity in the present crime cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the crime, in question, is triable by the Magistrate and now the investigation of the crime is complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned



Chief Judicial Magistrate, Buxar in connection with Buxar Town P.S. Case No. 148 of 2024, 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 mark his attendance on the first week of every month before the Station House Officer of local police station for nine months.

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

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

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

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

(vi) 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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