

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69902 of 2024

Arising Out of PS. Case No.-732 Year-2023 Thana- MUFFASIL District- West Champaran

Anil Gupta @ Kendi @ Anil S/O Banarsilal Gupta @ Banarshi R/O Village-
Harsidhi, Dhawahi, P.S- Harsidhi, Distt.- East Champaran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rishabh Mishra, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-10-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Bettiah Mufassil P.S. Case
No. 732 of 2023 registered for the offence punishable under
Section 392 of the Indian Penal Code.

3. Allegedly while the informant who is said to be a
Field Officer of Brum Finance Limited Bettiah were returning to
his home after collecting money from different customers, in the
meantime, four persons riding on two motorcycles came and
intercepted him. On the point of pistol the miscreants looted Rs.
2 lakh from the informants and fled away.

4. Learned Advocate appearing on behalf of the



petitioner contended that the FIR has been instituted against unknown miscreants and the narrations made in the FIR also suggest that the motorcycles involved in the crime do not bear their registration number. During the course of investigation the petitioner was apprehended by the police and after recording his self confession, he has been remanded in the present case. Save and except the self confession, there is no other material suggesting the complicity of the petitioner in the crime. Neither the petitioner has been put on Test Identification Parade, nor any incriminating material has been recovered from his possession. Now the petitioner has been incarcerated since 08.12.2023.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the petitioner bears five criminal antecedents which speaks about complicity of the petitioner in similar kind of offence.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case against the petitioner is based on his self confession, admittedly made before the police, that apart the petitioner has been incarcerated since 08.12.2023, but till date he has not been put on Test Identification Parade and the chargesheet 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 Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Mufassil P.S. Case No. 732 of 2023, 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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