

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80252 of 2024**

Arising Out of PS. Case No.-234 Year-2024 Thana- VAISHALI District- Vaishali

=====

Dharamvir Kumar Gupta @ Dhamveer Kr Gupta, S/o Late Yogendra Prasad Gupta @ Late Yogendra Gupta, Resident of Village- Dharphari, P.S.- Devariya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Rajeev Ranjan No. II, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

=====

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      20-12-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Vaishali P.S. Case No. 234 of 2024 registered for the offences punishable under Sections 399, 402 and 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of Arms Act.

3. The police on a tip-off assemblage of some miscreants, raided a mango orchard and apprehended four persons including the petitioner. From the possession of the petitioner, one loaded country made pistol and a live cartridge were recovered.

4. There is complete denial of the recovery from the



possession of the petitioner.

5. Learned counsel for the petitioner contended that, in fact, on the alleged date and time of occurrence, the petitioner was just near the place of occurrence and, on suspicion, he was apprehended, thereafter, recovery has been shown from the possession of the petitioner. It is next contended that, in fact, on account of the past criminal antecedent of the petitioner, his name has been implicated in this case. So far the antecedent of the petitioner is concerned, it is contended that the petitioner is on bail in all the cases and now the petitioner has been incarcerated since 28.06.2024. The investigation of the crime is complete. It is also the contention of the petitioner that one of the co-accused persons having identical allegation has been allowed the privilege of bail by this Court in Cr. Misc. No. 70005 of 2024 vide order dated 03.10.2024.

6. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the petitioner bears ten criminal antecedent of identical nature, which shows his involvement in the present crime.

7. Regard being had to the submissions made on behalf of the parties and considering the long list of criminal antecedent, this Court is not acceded to the prayer for grant of



bail to the petitioner, for the present.

8. However, the above named petitioner be released on bail, **after framing of charge by the court below**, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1<sup>st</sup> Class, Hajipur at Vaishali in connection with Vaishali P.S. Case No. 234 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 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)**

rohit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

