

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3461 of 2024

Arising Out of PS. Case No.-137 Year-2023 Thana- BHAIKAVSHTHAN District-
Madhubani

Sanjeet Kumar Gupta S/O Jagdish Sah R/O Village- Sarisabpahi, P.S-
Pandaul, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP

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

ORAL ORDER

3 22-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bhairab
Asthan P.S. Case No. 137 of 2023 (G.R. No. 1746 of 2023)
instituted for the offences under Sections 413, 419, 420, 467,
468, 471, 120(B) of the Indian Penal Code.

3. As per prosecution case, the police, on receipt of
secret information, has recovered two Scorpio vehicles, one
Bullet Bike, Mobile and Rs. 9,57,000/- from the possession
of the petitioner.

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.



He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized Scorpio. He further submits that the petitioner's house is a joint house and the recovered money amounting Rs. 9,57,000/- was of brother of the petitioner. The petitioner has eight criminal antecedents as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 04.10.2023. Charge-sheet has been submitted in this case.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to 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 Bhairab Asthan P.S. Case No. 137 of 2023 (G.R. No. 1746 of 2023), subject to following conditions;



(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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