

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25705 of 2025

Arising Out of PS. Case No.-50 Year-2016 Thana- MAKER District- Saran

Sushant Gupta @ Subash Gupta @ Chandan Jee @ Chandan S/O Sri
Devendra Gupt @ Devendra Gupta R/O Village- Jahanabad, P.S- Lalganj,
Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh, Adv.

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 06-05-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Maker P.S. Case No. 50 of 2016 dated 02.05.2016 registered for the offences punishable u/ss386, 387, 399, 402 and 120B of the Indian Penal Code and Sections 25(1-B)(a), 26 and 35 of the Arms Act and Sections 4 and 5 of the Explosive Act and u/s 16(1)(b), 17, 18, 18A, 19, 20, 38, 39 and 40 of the U.A.P. Act.

3. As per the prosecution case, the informant got secret information that a members of prohibited Maowadi organization have gathered at Badichak Diyara to do any illegal incident. When he reached the place of occurrence, some persons tried to flee away but three persons got caught by him and rest persons have succeeded to flee away. He searched them



and found firearm and explosive material from the possession of the co-accused person and also from the field of Amika Mahto on the disclosure made by the arrested persons. The arrested persons had admitted that they are members of prohibited Maowadi Organization and planning to plant the explosive operation at Silcom Construction Company and also they took extortion from construction company and other rich persons.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. No incriminating article has been recovered from the conscious possession of the petitioner. It is further submitted that the petitioner is a shopkeeper and he has no concern any Naxal organization. Learned counsel has further submitted that the alleged recovery has been made from the field of the co-accused, Amika Mahto. The co-accused persons have already been granted bail by the Coordinate Bench of this court vide order dated 17.08.2021 passed in Cr. Misc. No. 12356/2021. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 21.09.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances



of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Chapra, Saran in connection with Maker P.S. Case No. 50 of 2016 with the following conditions :-

(i) one of the bailors shall be a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.

(ii) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

(iii) The petitioner is directed to cooperate in the trial before the learned court below.

In case of violation of any of the above conditions, the learned trial court will be at liberty to cancel the bail bond of the petitioner.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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