

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45458 of 2015

Arising Out of PS.Case No. -125 Year- 2015 Thana -BUXAR INDUSTRIAL District- BUXAR

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Avinash Kumar Upadhyay @ Chhotu Kumar Upadhyay Son of Vinod
Kumar Upadhyay Resident of village - Upadhyaypur, P.S. - Buxar (I),
District - Buxar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party : Mr. Surendra Pd. Singh, APP

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

ORAL ORDER

2 05-10-2015 This is an application, made under Section 439 of
the Code of Criminal Procedure, seeking bail for the accused-
petitioner, namely, Avinash Kumar Upadhyay @ Chhotu
Kumar Upadhyay, in connection with Buxar (I) Police Station
Case No. 125 of 2015, under Section 411 of the Indian Penal
Code and Sections 25(1-B)a/6/35 of the Arms Act.

Perused the above application and materials on
record.

Heard Mr. Ravi Shankar Pankaj, learned Counsel
for the petitioner, and Mr. S.P. Singh, learned Additional
Public Prosecutor, appearing on behalf of the State.

In view of the fact that the accused above-named
has been in custody in this case since 25.05.2015 in
connection with the case aforementioned, perusal of the
materials available does not reveal such incriminating

materials, which would warrant further detention of the accused-petitioner in custody, and in view also of the fact that the perusal of the materials does not reveal that the accused-petitioner's liberty on bail would adversely affect his trial, it is, in the interest of justice, hereby directed that the accused above-named shall be released on bail of Rs. 10,000/- with two sureties, each of the like amount, subject to the satisfaction of the learned Chief Judicial Magistrate, Buxar, in connection with Buxar (I) Police Station Case No. 125 of 2015.

This direction for bail is further subject to the condition that the accused above-named shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions, this bail application shall stand disposed of.

(I.A. Ansari, ACJ)

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