

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8996 of 2016

Arising Out of PS.Case No. -158 Year- 2014 Thana -ANDER District- SIWAN

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1. Brij Mohan Upadhyay Son of Late Thakur Upadhyay, Resident of
Village - Hujhujipur, P.S. - Andar District - Siwan (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mishra

For the Opposite Party/s : Mr. Ataur Rahman(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 25-04-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Ander P.S.
Case No. 158 of 2014 registered for the offences punishable under
Sections 420 and 406/34 of the Indian Penal Code.

Allegedly, the petitioner took Rs. 90,000/- from the
informant to provide VISA to send his son Dilip Bhagat to Japan
but subsequently, the petitioner neither provided VISA nor
returned the amount.

Submission is of false implication and that the
petitioner has been made victim of the circumstances, without any
basis he has been implicated in three cases and in two cases he has
already been allowed bail, the petitioner is suffering in custody

since 22.08.2015, and in two similar cases bearing Ander P.S. Case Nos. 156/14 and 157/14 the petitioner has been allowed bail by another co-ordinate Bench of this Court to which the learned A.P.P. does not dispute.

In the facts and circumstances stated above, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Siwan in connection with Ander P.S. Case No. 158 of 2014 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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