

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32391 of 2016

Arising Out of PS.Case No. -279 Year- 1996 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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Sri Kant Upadhyay @ Shri Kant Upadhyay son of Late Gurucharan
Upadhyay

.... Petitioner/s

Versus

1. The State of Bihar
2. Phoolan Mian son of Raiyaj Sah

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 23-12-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Section 394 of
the Indian Penal Code.

Learned counsel for the petitioner submits that he is a Police
Inspector in the Anti Corruption Bureau, Jharkhand at Ranchi. He
undertakes that though the case is long pending, he is willing to
co-operate and appear in the trial as and when required. He
further submits that the delay in approaching this Court arose only
because after the bifurcation of the State of Bihar his services has
been placed under the State of Jharkhand and, therefore, he had no
knowledge of the present case. He further submits that being the



honest police officer, he has sufficient respect of the society and shall co-operate in the trial and taking him into custody will not sub-serve the cause of justice as he is regularly attending his duties and will not abscond.

Considering the entire facts and circumstances of the case and the nature of the allegations made against him that he had taken away thirty-nine thousand rupees after entering into the house of the complainant, but keeping in view the fact that the petitioner has got no criminal antecedent, let the petitioner abovenamed, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate VII, Ara, Bhojpur in connection with Complaint Case No. 279 (C) of 1996, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

It is made clear that the petitioner shall appear in the court below as and when required and shall not abstain from the same without any justifiable cause. He shall also make clear before the Court his any change in address as it has been submitted that currently he is posted at Ranchi.



It is also made clear that one of the bailors of the petitioner shall be his close relatives which shall include his wife/son/father/mother or any other person closely related to him. In case, the petitioner does not appear on two consecutive dates, it shall be open to the court below to cancel his bail bonds in accordance with law.

(Anjana Mishra, J)

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