

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34258 of 2016

Arising Out of PS.Case No. -45 Year- 2015 Thana -DAUDPUR District- SARAN

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RAJESH KUMAR UPADHYAY @ RAJESH UPADHYAY Son of Raj
Mangal Upadhyay Resident of village - Vagoiya P.S. - Daudpur, Dist. Saran
at Chapra.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 07-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 147, 148, 149, 341, 323, 324,
307, 379, 504 and 506 of the Indian Penal Code. Later on Section
302 of the Indian Penal Code has been added.

Allegation against the petitioner is that he along with
other named accused persons assaulted informant and her son with
various arms. Her son died later on.

Earlier bail application of the petitioner was rejected
with an observation that if the trial is not concluded within a
period of fifteen months from the date of custody, i.e., 20.3.2015,
the petitioner will be at liberty to move before this Hon'ble High
Court for grant of bail. In pursuance of the said observation the
present application has been preferred on behalf of the petitioner.

A report was called for from the trial court, same be
kept on record.

It has been submitted that petitioner is in custody
since 20.3.2015 and the trial has not yet been concluded. There is

allegation of giving a single farsa blow on the deceased. There is no repetition alleged against the petitioner. Petitioner has already remained in custody for about 18 months.

On behalf of the State it has been submitted that petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J-X, Saran at Chapra, in connection with S. Trial no. 394 of 2015 arising out of Daudpur P.S. Case no. 45 of 2015 with condition that petitioner shall be present on each and every date fixed for evidence before the court below, and a single default without proper and reasonable cause will automatically cancel bail bond of the petitioner.

(Sudhir Singh, J)

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