

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17839 of 2017

Arising Out of PS.Case No. -228 Year- 2015 Thana -MANJHI District- SARAN

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Sant Sharan Upadhyay @ Kailash Nath Upadhyay, Son of Krishna Nand Upadhyay, Resident of Village- Rampur, P.S. Raulpur, District- Saran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 11-04-2017 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 11.11.2016 in connection with Manjhi P.S. Case No. 228 of 2015 for the offences alleged under Section 395 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated as the first information report is against unknown persons and the petitioner's name has surfaced on the basis of confessional statement of co-accused Gopal Ram who has been granted bail by this Court in Cr. Misc. No. 4366 of 2017. No recovery of any incriminating articles has been made from the possession of the petitioner. The petitioner is on bail in respect of all prior cases in which he has been made accused.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Saran , Chapra in connection with Manjhi P.S. Case No. 228 of 2015 with the following conditions:



(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

B.T/Chandran

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