

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.27581 of 2017**

Arising Out of PS.Case No. -5 Year- 2017 Thana -KASMA District- AURANGABAD

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Upendra Sao, son of Rajdeo Sao, resident of village Sondaha, P.S.  
Bankebazar, District Gaya

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. S. Jamil Akhtar

For the Opposite Party/s : Mr. Parmeshwar Mehta

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

4      14-07-2017                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner is languishing in custody since 02.02.2017 in  
connection with Kasma P.S. Case No. 5/17 for offences  
punishable under Section 386 of the Indian Penal Code and  
Section 17 of the C.L.A. Act.

The prosecution case, as lodged by the informant, is  
that he was working in the construction site for Monark Infracom  
Pvt. Ltd. and he received a call from one Ravindra Yadav @  
Pratik Jee from T.P.C. Organisation that unless Rs. 5 lakhs as levy  
is not given, no work would continue and also threatened with dire  
consequences.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the First Information Report and has falsely been implicated in the aforesaid case. He submits that no T.I. Parade has been done so far nor the petitioner has made any confessional statement before the police, but on the confessional statement of co-accused Lalan Choudhary, he has been made accused. It is submitted that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that during investigation name of the petitioner has surfaced in the confessional statement of co-accused and his own confessional statement stating his complicity in the aforesaid offence. It is submitted that the petitioner does not have a clean antecedent and he is also facing prosecution in Roshanganj P.S. Case No. 13/17 under the Arms Act.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-VI, Aurangabad in connection with Kasma P.S. Case No. 05/17, subject to the conditional that



one of the bailors would be a close relative of the petitioner, who would have sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and the petitioner will appear before the learned court below on each and every date during trial and failure to appear on three consecutive dates without assigning any reason will entail cancellation of his bail bond and if the petitioner indulges in an offence of similar nature in future, the learned court below will be at liberty to cancel his bail bonds.

**(Nilu Agrawal, J)**

Rajesh/-

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