

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36211 of 2017

Arising Out of PS.Case No. -623 Year- 2017 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Abhay Kumar Upadhaya, son of Tej Narayan Upadhaya, resident of
village-Latara, P.S. Kochas, District-Rohtas.

.... Petitioner.

Versus

1. The State of Bihar.
2. Nalin Sinha, son of Late Kamlesh Kumar Sinha, I.C.I.C.I. Bank,
Branch Manager, Sasaram, District-Rohtas.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr.

For the State : Mr.

For the Informant/Opposite Party No.2 : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 28-08-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State as also the learned counsel for the
informant/opposite party no.2.

The petitioner seeks bail in connection with Sasaram
(Town) P.S. Case No.623 of 2017 registered under Sections 379,
420, 471, 474, 468 and 511/34 of the Indian Penal Code.

The accusation of the informant/opposite party no.2 Nalin
Sinha, Branch Manager of the I.C.I.C.I. Bank, Sasaram, District-
Rohtas, is that on 08.05.2017 at about 02.00 P.M., one person with
stolen cheque came at his Bank Campus to withdraw the money.
On suspicion, when the informant/opposite party no.2 talked to the



account holder of the cheque, he came to know that the cheque was not issued by him. Thereafter, the informant/opposite party no.2 stopped the payment of the cheque and informed the Town Police Station. In the meantime, two persons were apprehended with the help of the public, who disclosed their name as Vimal Kumar Pandey and Abhay Kumar Upadhaya (petitioner).

Learned counsel appearing on behalf of the petitioner submits that in the alleged cheque, the name of the co-accused Baiju Pandey alias Vimal Kumar Pandey, who was apprehended by the public in the campus of the Bank, is detailed and this petitioner, on mere suspicion, has been apprehended by the public. The petitioner having no criminal antecedent is in custody since 09.05.2017.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sasaram, District-Rohtas, in connection with Sasaram (Town) P.S. Case No.623 of 2017. Out of the two sureties, one must be close relative of the petitioner, who will file an affidavit giving genealogy as to how he/she is related with the petitioner. The bailors will undertake to furnish information to the



court about any change in the address of the petitioner. Further, the petitioner shall attend the trial court on each and every date fixed in the case, during the course of the trial. If the petitioner fails to attend the trial court, on two consecutive dates, during the course of the trial, without any reasonable cause being shown, the trial court would be at liberty to cancel the bail bonds of the petitioner.

(Rajendra Kumar Mishra, J)

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