

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51307 of 2017

Arising Out of PS.Case No. -189 Year- 2016 Thana -BUXAR INDUSTRIAL District- BUXAR

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Manish Kumar Upadhyay S/o Rajendra Upadhyay R/o Village Majhariya
@ Majhariya (Khutha), P.S. Buxar (Industrial), Distt. - Buxar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nil Kamal, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Buxar (Industrial)
P.S. Case No. 189 of 2016 instituted for the offence under
Sections 147,148,149,341, 323, 307 of the IPC and 27 of the Arms
Act.

It has been submitted on behalf of the petitioner that
there is no specific allegation against this petitioner and has been
falsely implicated in this case. There is specific allegation against
the co-accused Ravi Bhushan Paswan of opening fire with his
country made pistol at Manish Singh @ Kariya Singh. It has been
further submitted that Ravi Bhushan Paswan and other co-accused
persons have already been granted anticipatory bail by a
coordinate Bench of this Court in Cr. Misc. No. 26132 of 2017



vide order dated 01.07.2017.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, named above, in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount in connection with Buxar (Industrial) P.S. Case No. 189 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Buxar subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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