

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42654 of 2018

Arising Out of PS.Case No. -84 Year- 2018 Thana -CHAINPUR District- BHABHUA (KAIMUR)

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1. Upendra Kushwaha, Son of Shiv Murat Kushwaha, Residents of Village-
Majhui, P.S.- Chainpur, District- Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Sunil

For the Opposite Party/s : Mr. Sri Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-07-2018 The petitioner is apprehending his arrest in connection
with Chainpur P.S. Case No. 84/2018, registered for offences
punishable under Sections 324, 307, 504, 34 of the Indian Penal
Code and 27 of the Arms Act.

Allegation as per F.I.R. against the petitioner is to
instigate the other co-accused, who fired and causing injury to the
informant.

Submission of learned counsel for the petitioner is that as
a matter of fact a case has been lodged under Section 302 of the
I.P.C against the informant, in which, trial is going on and
petitioner happens to be one of the witnesses in the said case and
only with a view to put pressure on the petitioner, he has been
made accused in this case. It is further submitted that the petitioner



is not the assailant.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case, nature of offence and also that petitioner has no criminal antecedent and only general and omnibus allegation has been levelled against him, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Kaimur (Bhahua) in connection with Chainpur P.S. Case No. 84/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, it is further subject to the condition that:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner shall cooperate in the investigation and make himself available as and when required by the police and on the



event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

sunil/Amjad/-

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