

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50634 of 2018

Arising Out of PS.Case No. -180 Year- 2018 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN (MOTIHARI)

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Upendra Kumar S/o Ramadhar Prasad Yadav Resident of Village -
Baswaria, P.S. - Muffasil, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar

For the Opposite Party/s : Mr. Sri Aditya Narayan Singh 1

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 29-08-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 17.04.2018 in
connection with Muffasil P.S. Case NO. 180 of 2018 for the
offence registered under Sections 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner was taken into custody on the basis of suspicion after
the alleged occurrence and thereafter, he was made to give a
confessional statement before the police, which has no evidentiary
value. It is further submitted that nothing has been recovered from
the conscious possession of the petitioner and money which was
recovered from the possession cannot be said to be that very
money which was looted from the informant. It is further



submitted that the petitioner has two criminal antecedents and till date no T.I. Parade has been conducted by the police either on the petitioner or the recovered articles.

Considering the aforesaid facts and circumstances of the case and that the petitioner cannot be prosecuted on the basis of the confessional statement made before the police, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran, Motihari in connection with Muffasil P.S. Case No. 180 of 2018, subject to the following conditions:-

(1) One of the bailors will be his own blood relative, preferably, father, mother, son, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial

(3) The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons his bail bonds shall be liable to be cancelled by the learned



Court concerned.

(4) The petitioner shall co-operate 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.

(Anjana Mishra, J)

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