

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42527 of 2018

Arising Out of PS.Case No. -29 Year- 2018 Thana -ASARGANJ District- MUNGER

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Pinku Upadhyay @ Sachidanand Upadhyay, Son of Ashok Kumar Upadhyay, Resident of Village- Jalalabad, P.S. Asarganj, Distt. - Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 19-07-2018 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

The petitioner is in custody since 24.04.2018 in connection with Asarganj P.S. Case No.29 of 2018 (G.R. No.890/2018) registered for the offence under Sections 302, 201, 120B/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner was not named in the F.I.R. and the same was lodged against other persons specifically named by the brother of the deceased. However, the petitioner was apprehended on suspicion and his self-confession was extracted by the police and he was kept in the police custody for more than 24 hours before being produced before the Chief Judicial Magistrate on



26.04.2018, which is in clear violation of Section 57 of the Cr.P.C. It is further submitted that the petitioner cannot be prosecuted on the basis of his self-confession, which has no evidentiary value. Learned counsel for the petitioner, with reference to the supplementary affidavit filed today, submits that the petitioner has got one criminal antecedent, in which he has already been granted bail.

Considering the aforementioned facts and circumstances, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger, in connection with Asarganj P.S. Case No.29 of 2018 (G.R. No.890/2018), subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, 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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