

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59536 of 2019

Arising Out of PS. Case No.-80 Year-2019 Thana- GORIAKOTHI District- Siwan

SUBODH KUMAR UPADHYAY Son of Sri Raj Deo Upadhyay Resident of
Village - Khagani, P.S.- Goreakothi, Distt - Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner in the present case is seeking regular bail
in connection with Goreakothi P.S. Case No. 80 of 2019 registered
for the offences punishable under Sections 302/34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that there is
allegation of participation of nine accused persons in the alleged
occurrence and there are general and omnibus allegation against
all the accused persons and no specific overt act has been alleged
against the petitioner.

It is submitted that co-accused Promod Kumar
Upadhyay and Rajdeo Upadhyay have been allowed bail by
different learned co-ordinate Benches of this Court vide Cr. Misc.
No. 62438 of 2019 and 54171 of 2019. It is submitted that the



petitioner is in custody since 07.05.2019.

Learned APP has opposed the prayer of bail.

Considering the facts and circumstances of the case wherein there is no specific allegation of commission of any overt act against the petitioner, the allegations are general and omnibus and out of nine accused persons against whom there are general allegations, two of them have been granted regular bail by different co-ordinate Benches of this Court vide vide Cr. Misc. No. 62438 of 2019 and 54171 of 2019 and considering that the petitioner is in custody since 07.05.2019, let the petitioner above named be released on bail in connection with Goreakothi P.S. Case No. 80 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such



facts to the Court or to any Police officer or tamper with the
evidence.

(Rajeev Ranjan Prasad, J)

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