

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18216 of 2020

Arising Out of PS. Case No.-165 Year-2017 Thana- NAUBATPUR District- Patna

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SANJEEV KUMAR @ SANJEEV UPADHYAY Son of Sunil Upadhyay
Resident of Village - Faridpur, P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak, Adv.
For the Opposite Party/s : Mr.Raj Ballabh Singh APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 03-07-2020 The matter has been listed today for consideration
through Video Conferencing.

Learned counsels are appearing and making submissions
from their residence. The Court Master and Secretary are also
part of this virtual court proceedings from their homes, all with
the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned
APP for State.

The petitioner seeks bail in Naubatpur P. S. Case No. 165
of 2017 instituted for the offence under Section(s) 302/34 of
the Indian Penal Code and Section 27 of the Arms Act.

The FIR alleges that the informant has been intimidated by
his brother regarding their parents being done to death by co-
accused Sunil Upadhyay along with three other accused



persons. The FIR alleges that four accused persons came to the place of occurrence and fired upon the mother and father of the informant and have fled away in the south direction.

Mr. Pathak for the petitioner submits that bare perusal of the FIR would show co-rivalry is alleged against all the four accused persons. In so far as the firearm injury is alleged informant has specifically alleged about co-accused Sunil Upadhyay and petitioner is on among the others. The falsity of the allegation is evident from the fact that two co-accused persons, namely, Vidya Bhushan Pathak and Vikash Pathak were not sent up for trial and final form was submitted by the police in their favour. The FIR also discloses motive and past enmity against Sunil Upadhyay and against none of other accused persons. There is no eye witness and even the informant has lodged a case based on intimation received from his brother. Petitioner is in custody since 02.12.2019 having no criminal antecedents and it is submitted that he is a student who was pursuing his studies at Ranchi.

The learned APP opposed the prayer for bail by submitting that the petitioner is one of the named accused persons and two persons have been received fatal gun shot injury in the alleged occurrence.



Considering the aforesaid, 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 the ACJM-II, Danapur, in connection with Naubatpur P. S. Case No. 165 of 2017, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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