

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25723 of 2020

Arising Out of PS. Case No.-173 Year-2019 Thana- CHARPOKHARI District- Bhojpur

PANKAJ KUMAR UPADHAYAY @ PANKAJ UPADHAYAYA @ MUNU
UPADHAYAYA Son of Babban Upadhayaya Resident of Village- Manaini,
P.S.- Charpokhir, District- Bhojpur Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-11-2020 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Charpokhri P.S. Case No. 173 of 2019 registered under sections 302, 201 and 120B of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, the accused persons including the petitioner herein are stated to have called the informant's brother and of taking him away. It is further stated that some time later the informant saw that on the instigation of Dhana Choudhary and Ravi Yadav, his brother was shot dead by Satya Narayan Choudhary. It is submitted that petitioner was also present at the place of occurrence.

It is submitted by learned counsel for the petitioner that allegations as levelled against the petitioner in the FIR are



false and concocted. Further from the FIR itself it would transpire that although the informant claims to be an eye witness to the alleged occurrence, no overt act is alleged against this petitioner. Petitioner is in custody since 20.4.2020 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including there being no allegation of overt act against the petitioner together with his being in custody since 20.4.2020, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Charpokhri P.S. Case No. 173 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees ten thousand) only with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur, Ara.

(Partha Sarthy, J)

sushma/-

U			
---	--	--	--

