

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34972 of 2020

Arising Out of PS. Case No.-285 Year-2019 Thana- MAHARAJGANJ District- Siwan

PRINCE KUMAR UPADHYA Son of SHRINIWAS UPADHYAY Resident of
Village - Dibbi, P.S.- M.H.Nagar, Distt.- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Chandra

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-12-2020

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Ashok Kumar, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Maharajganj P.S. Case No. 285 of 2019 for the offence punishable under Sections 395, 307, 326 of the Indian Penal Code and section 27 of the Arms Act.

The allegation is regarding six persons riding on two motorcycles, with their face covered, having arrived at the shop of the informant on the alleged date and time of occurrence while he was managing his accounts and then one of the said



miscreants had fired gun shot from his pistol, causing injury on the leg of the informant and thereafter, the said miscreants had taken away one bag from his shop containing cash amount totalling to a sum of Rs. 1,00,000/-, bank passbook, check book etc. as also they had damaged the CCTV camera and television apart from taking away the mobile phone as well.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 20.05.2020. The learned counsel for the petitioner has further submitted that no test identification parade has been held so as to connect the petitioner with the alleged crime..

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that neither any test identification parade has been held so as to connect the petitioner with the alleged occurrence nor the mobile phone recovered from the possession of the petitioner is the looted



mobile, as stated in paragraph-9 of the present petition, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M. V, Siwan in connection with Maharajganj P.S. Case No. 285 of 2019.

(Mohit Kumar Shah, J)

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