

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22220 of 2021

Arising Out of PS. Case No.-417 Year-2020 Thana- GOVINDGANJ District- East
Champaran

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VIKASH UPADHYAY Son of Late Murari Upadhyay Resident of Village -
Siswa, P.S.- Malahi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 08-10-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 398, 394, 393,
307 and 34 of the Indian Penal Code and section 27 of the Arms
Act.

As per the prosecution case, two accused persons
including one Saurabh Upadhyay confronting the informant,
abused him and the accused also fired on him causing serious
injuries.

It is submitted by learned counsel for the petitioner
that the petitioner is not named in the F.I.R. He has been falsely
implicated in the case in course of investigation. His name
transpired in the confessional statement of co-accused Saurabh



Upadhyay. Referring to the order of the learned trial court, it is submitted that even accepting the contents of the confessional statement, the material against the petitioner is the statement of a co-accused wherein he has alleged that the arms used in the occurrence was supplied by the petitioner. It is submitted that the allegations are false. In any case, there is no allegation against the petitioner of having participated in the occurrence. The petitioner is in custody since 7.12.2020 and chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner having remained in custody for over 10 months, the Court directs the petitioner to be enlarged on bail in connection with Govindganj P.S. Case no.417 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Chief Judicial Magistrate, Motihari, East Champaran.

(Partha Sarthy, J)

Saurabh/-

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