

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25905 of 2021

Arising Out of PS. Case No.-75 Year-2020 Thana- KALYANPUR District- East Champaran

KUNDAN KUMAR UPADHYAY @ KUNDAN KUMAR, Male, Aged about- 22 years, son of Lal Babu Upadhyay @ Lal Babu Upadhaya, Residetrn of Village- Bansghat, P.S.-Chakia, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-11-2021 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Kalyanpur P.S. Case No. 75 of 2020 corresponding to G.R. No. 2252 of 2020 for the offence under Sections 379 and 411 of the Indian Penal Code.

The case relates to theft of motorcycle.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has not committed any offence. In fact, the petitioner has not been named in the F.I.R. and this petitioner has been made accused in this case merely on the basis of suspicion. Moreover, nothing incriminating has been recovered from



the possession of the petitioner or from the possession of his house. The petitioner is rotting in judicial custody since 05.04.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Kalyanpur P.S. Case No. 75 of 2020 corresponding to G.R. No. 2252 of 2020 with the following conditions:

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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