

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29372 of 2021

Arising Out of PS. Case No.-576 Year-2020 Thana- DIGHA District- Patna

SHIVENDU KUMAR UPADHYAY S/O PRANAV KUMAR UPADHAYAY
R/o Mohalla- Kautilya Nagar A.G. Colony, P.S.- Shastri Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-11-2021 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Digha
P.S. Case No. 576/2020 instituted for the offences under Section
392 of the Indian Penal Code.

From bare perusal of the allegation as alleged in the
FIR, it would manifest that the informant who works at the post
of Senior Clerk in Central School, Muzaffarpur alleges that on
06.11.2020 while he was returning after performing election
duty and school work from Muzaffarpur to Patna by his Scooty
on the way when he reached Digha over bridge a motorcycle
over taken his Scooty on the point of revolver whatever has he
took Rs.5,000/- from his pocket. He further alleged that in the
said motorcycle three persons were sitting and one of them was



a girl and thereafter he alleges that if he sees he will identify them.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only on suspicion. The petitioner is not named in the FIR and is aged about 20 years old. The petitioner was initially arrested in Shashtri Nagar P.S. Case No. 503/2020 merely on the basis of suspicion and later on his photograph was taken by the concerned Police Officer who has handed over the same to the present informant and thereafter the name of the petitioner has been involved in the present case, further no incriminating articles has been recovered from the possession of the petitioner. The petitioner is languishing in judicial custody since 18.01.2020 and charge sheet has been submitted in this case. The petitioner has got one criminal antecedent, which is mentioned in para 3 of the bail petition.

Learned APP for the State vehemently opposes the prayer for bail application.

Considering the facts aforesaid, the petitioner, above named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Sub-Divisional Judicial Magistrate, Patna, District-
Patna, in connection with Digha P.S. Case No. 576/2020.

Accordingly, this application stands allowed.

(Satyavrat Verma, J)

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