

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32592 of 2021

Arising Out of PS. Case No.-137 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

KUNDAN KUMAR UPADHYAY Son of Lal Babu Upadhyay Resident of
Village - Bansghat, P.S.- Chakia, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-12-2021 Heard learned counsel for the parties.

Petitioner seeks regular bail in connection with
Sahebganj P.S. Case No. 137 of 2020 registered for the offence
under Section 392 of the I.P.C.

The allegation is that the three unknown persons
intercepted the informant and took away his motorcycle , mobile
phones, ATM Card and a sum of Rs. 700/- in cash.

Learned counsel for the petitioner submits that
petitioner is not named in the First Information Report and he
has been made accused on the basis of the confessional
statement of the co-accused / Md. Hifazal @ Mallu recorded in
Baruraj P.S. Case No. 49 of 2020 from where the petitioner has
been remanded in this case on 25-06-2020. He next submits that
similarly situated accused person namely, Md. Sahjad has been
granted bail by a Co-ordinate Bench of this Court in Cr. Misc.
No. 18690 of 2021 and charge sheet has already been submitted.

Regard being had to the submissions made by the
parties and taking into consideration the materials available on



record, the fact that similarly situated accused has been granted bail by a Co-ordinate Bench of this Court, the petitioner is in custody since 25/06/2020, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- 1st West, Muzaffarpur in connection with Sahebganj P.S. Case No.137 of 2020 on the following conditions:-

(i) that one of the bailors shall be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor shall also undertake to inform the court if there is any change in the address of the petitioner.

(ii) that the petitioner shall be well represented on each date and if he fails to do so on two consecutive dates, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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