

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40022 of 2021

Arising Out of PS. Case No.-281 Year-2020 Thana- BIKRAM District- Patna

1. Nitish Kumar Son of Shri Laleshwar Yadav Resident of Village- Samanpura, P.S.- Naubatpur, District- Patna.
2. Prakash Chandra Upadhyay Son of Shri Shivkumar Upadhyay Resident of Village- Ranipur, P.S.- Paliganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 07-10-2021 Heard learned counsel for the petitioners and learned Addl. Public Prosecutor for the State.

Petitioners pray for grant of bail in Bikram P.S. Case No. 281 of 2020, registered for the offence under Section 392 of the Indian Penal Code.

As per the prosecution case, four unknown miscreants looted the pick-up van and fled away after snatching mobile phone of informant.

It is submitted on behalf of petitioners that petitioner is not named in the FIR. Name of the petitioner has come during course of investigation on the basis of confessional statement of petitioner in another case i.e. Phulwari Sharif (Janipur) P.S. Case No. 534 of 2020. It is further submitted that no



incriminating article has been recovered from the conscious possession of the petitioner and petitioners are in custody since 18.01.2021. Chargesheet has been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioners is allowed. Let the above named petitioners be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - VI, Danapur (Patna) in connection with Bikram P.S. Case No. 281 of 2020, on the following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the court below.

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

(Prabhat Kumar Singh, J.)

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