

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29832 of 2020

Arising Out of PS. Case No.-165 Year-2017 Thana- NAUBATPUR District- Patna

SUNIL KUMAR UPADHYAY @ SUNIL UPADHYAY S/o Sri Rajdeo Upadhyay R/o Vill.-Faridpura, P.S.-Naubatpur, Distt.-Patna, A/p Mohalla-Kharanja Road, Mainpura, P.S.-Danapur, Distt.-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 03-02-2021

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner and other FIR named accused is to have killed the father and mother of the informant.

Earlier on two occasions, petitioner had moved this Court for grant of regular bail which was rejected first vide order dated 17.01.2019 passed in Cr. Misc. No.54979 of 2018 with an observation that petitioner may renew his prayer for bail after framing of charges and thereafter he moved vide Cr. Misc. No.19496 of 2019 which was also rejected by order dated 14.05.2019 with direction to the court below to expedite the trial



and conclude the same within 1 year.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case due to land dispute. It is submitted that petitioner is in custody since 30.06.2017, i.e., more than three and half years, and charges has been framed on 16.02.219 but thereafter more than one and half years have elapsed but not a single witness has been examined. It is further submitted that one similarly placed co-accused Sanjeev Upadhyay has already been granted bail by a co-ordinate Bench of this Court vide order dated 03.07.2020 passed in Cr. Misc. No.18216 of 2020. Police has found case against two named accused in FIR not be true and has submitted final form against them.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with S.Tr. No.97 of 2019 arising out of Nabuatpur P.S. Case No.165 of 2017, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



(2) 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

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

(S. Kumar, J)

Sanjay/-

U		T	
---	--	---	--

