

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40509 of 2021

Arising Out of PS. Case No.-154 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

Kundan Kumar Upadhyaya S/O- Lalbabu Upadhyaya Resident of Village-
Banshghat, P.S.- Chakiya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-10-2021 Heard both parties through video conferencing.

The petitioner seeks bail in Sahebganj P.S. Case No. 154 of 2020, registered for the offence punishable under Section 392 of the Indian Penal Code.

As per the prosecution case, on 28.03.2020 at 6.30 pm while the informant was going to his sasural by his motorcycle, 04 unknown miscreants on motorcycle hit him by leg as a result of which he fell down, thereafter on the point of gun snatched mobile, cash and motorcycle and fled away.

It is submitted on behalf of the petitioner that petitioner is not named in the FIR. During course of investigation, name of this petitioner has come in this case on the basis of confessional statement of co-accused Rahul Kumar. No incriminating article has been recovered from possession of



this petitioner. No test identification parade has been held till date. Petitioner is in custody since 08.06.2020.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate Ist (West), Muzaffarpur in connection with Sahebganj P.S. Case No. 154 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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