

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4431 of 2021

Arising Out of PS. Case No.-210 Year-2020 Thana- SHIVSAGAR District- Rohtas

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UPENDRA KUMAR GUPTA @ UPENDRA SAH SON OF MUKHI SAH
KARJAR MORESARAI, P.S.- SHIVSAGAR, DISTRICT- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

The petitioner seeks bail in Shivsagar P.S. Case No.
120 of 2020 registered for the offences punishable under
Sections 341/323/324/307/504/506/34 of the Indian Penal Code.

As per the prosecution case, this petitioner is alleged
to have fired from country-made pistol which hit the husband of
the informant on the right side of chest.

It is submitted on behalf of the petitioner that
petitioner and the injured (husband of the informant) are full
brothers and there is case and counter case between them with
regard to partition of the properties. Chargesheet has already
been submitted in this case. Petitioner has got no criminal



antecedent and he is in custody since 28.07.2020.

Considering the nature of allegation and the fact that the incident took place in the backdrop of property dispute and petitioner is full brother of the injured, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned CJM, Rohtas at Sasaram in connection with Shivsagar P.S. Case No. 120 of 2020, subject to following conditions:-

(1) 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 on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.

(2) If the petitioner tempers 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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