

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41230 of 2021**

Arising Out of PS. Case No.-48 Year-2020 Thana- BARURAJ District- Muzaffarpur

=====

KUNDAN KUMAR UPADHYAYA Son of Lalbabu Upadhyaya Resident of
Village- Bansghat, P.S.- Chakiya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Tapeshwar Sharma

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

4 06-01-2022 The matter has been taken up for online hearing
through video conference because of COVID-19 pandemic
restrictions.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of Baruraj
P.S. Case No. 48 of 2020, disclosing offence punishable under
Section 392 of the Indian Penal Code.

The petitioner is in custody since 28.08.2020. The
FIR was registered against unknown with the allegation that the
informant's motorcycle and other valuables were snatched by
four miscreants. It appears that the petitioner's name
subsequently appeared in course of investigation of a different



case on the basis of confessional statement of a co-accused leading to petitioner's implication in two other cases.

Learned counsel for the petitioner has submitted that there is no recovery from the petitioner's possession and till date the petitioner has not been put on T.I. Parade. He submits that if petitioner is allowed regular bail, there is no chance of tampering with the evidence since the charge-sheet has already been submitted. He has also submitted that the petitioner has been granted bail in other cases lodged against him after his implication in the present case.

Considering the above-noted facts and circumstances, particularly, the fact that the petitioner is in custody since 28.08.2020, this application is allowed. Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Judicial Magistrate Ist Class, Muzaffarpur in Baruraj P.S. Case No. 48 of 2020.

(Chakradhari Sharan Singh, J)

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