

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36533 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- SISWAN District- Siwan

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DHRUV UPADHYAY @ DHRUV JI UPADHYAY @ DHRUP UPADHIYA
S/O LATE DHARMANATH UPADHYAY Resident of village- Ramgarh,
P.S.- Siswan (Chainpur O.P), District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajendra Narain, Sr. Adv. Mrs.Anju Kumari @ Anju Narain, Adv.
For the Opposite Party/s :		Mr.Tarun Prasad Mandal, APP Mr.Ajay Kumar Tiwari, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-09-2022 Heard the parties.

Learned senior counsel for the petitioner is directed to
remove the defects within four weeks.

The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 341/ 307/ 34/ 120B of the IPC
and section 27 of Arms Act.

Prosecution case, in short is that on demand of share of
offerings by the informant, the petitioner and others under a
conspiracy, directed some miscreant to fire upon informant. On
such instruction, he was fired upon by the named accused
persons, due to which he got injured.

It is submitted by learned senior counsel for the petitioner
that petitioner is quite innocent and has committed no offence.
He has been falsely implicated in this case due to enmity. No



such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that though petitioner has five criminal antecedents but he has been acquitted in all those cases. There is a dispute regarding the share of offerings in a temple. No incriminating article has been recovered from conscious physical possession of the petitioner.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioner, let him, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Siswan (Chainpur O.P.) P.S. Case No.51/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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