

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66508 of 2021

Arising Out of PS. Case No.-11 Year-2021 Thana- SUGAULI District- East Champaran

RAUSHAN UPADHYAY Son of Dinesh Upadhyay Resident of village -
Nawalpur, P.S.- Nawalpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Asif Kalim, Adv. Mr. Wasi Akhtar, Adv.
For the Opposite Party/s :		Mr.Navin Kumar Pandey, APP, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 17-10-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Sugauli P.S. Case No. 11 of 2021 registered for the offences
punishable under Sections 461 and 379 of the Indian Penal
Code.

As per prosecution case, the informant alleges that
thief broke the shutter and entered into shop and took away 28
items of cloth. Hence, FIR has been lodged against unknown.

Learned counsel for the petitioner submits that
petitioner is in custody since 02.03.2021. Petitioner bears



criminal antecedent of one case. Learned counsel for the petitioner submits that for the same occurrence, two FIRs were lodged vide Sugauli P.S. Case No. 11 of 2021 and 12 of 2021. The first case was lodged by the police and the second case i.e. Sugauli P.S. case No. 12 of 2021 was lodged by shopkeeper in which petitioner has been enlarged on bail by the learned trial court itself.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Sugauli P.S. Case No. 11 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

alok/-

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

