

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 55322 of 2022**

Arising Out of PS. Case No.-106 Year-2022 Thana- UDWANTNAGAR District- Bhojpur

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SURAJ KUMAR UPADHYAY @ TIGER @ SURAJ KUMAR S/O
SUBHASH UPADHYAY R/o Mohalla- M.P. Singh, Ara, P.S.- Ara Town,
Distt- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ravindra Kumar, Advocate

For the Opposite Party/s : Mr Upendra Kumar, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, **APP**) appearing for
the State of Bihar through Virtual Mode.

The petitioner seeks bail in Udwantnagar (Gajrajganj)
Police Station (for brevity, **PS**) Case No 106 of 2022 dated
07.03.2022 registered for the offence punishable under Sections
394, 120B of Indian Penal Code.

There is allegation that 4 persons have entered the
Bank. They have assaulted some customers and took away total
Rs 12,96,469/-.

Learned counsel for the petitioner submits that upon
his arrest in Ara Town PS Case No 232 of 2022, the petitioner
has been remanded in the present case on alleged confessional



statement of co-accused, which has no evidentiary value. Submission is that the petitioner is on bail in the three cases pending against him since before, as per Paragraph 3 of the petition. The petitioner has not been put on Test Identification Parade and there is no recovery so as to connect him with the alleged occurrence.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, the manner of his implication and period of custody since 29.03.2022, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge X, Bhojpur at Ara in Udwanthnagar (Gajrajganj) PS Case No 106 of 2022 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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