

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66001 of 2021

Arising Out of PS. Case No.-74 Year-2021 Thana- NASRIGANJ District- Rohtas

Rahul Upadhyay, Son of Late Rajesh Upadhyay, Resident of Village - Badiha,
P.S.- Nasriganj, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Nasriganj P.S. Case No. 74 of 2021 registered for the alleged offences under Section 392 of the Indian Penal Code.

The allegation against the petitioner is that he along with co-accused persons looted Rs. 1 lac and other articles from the informant at gunpoint.

The learned counsel for the petitioner submits that the petitioner is not named in the FIR and he has been made an



accused in this case only on the basis of information furnished by the spy of the police and the confessional statement of this petitioner. Nothing has been recovered from the possession of the petitioner and Rs. 5700/-, which is stated to be the money snatched from the informant, is not the looted money rather it was his own money. No Test Identification Parade has been conducted to establish the identity of the petitioner in the said crime. The petitioner is in custody since 02.06.2021.

Learned APP opposes the submission made on behalf of the petitioner submitting that the name of the petitioner came up during investigation and looted money of Rs. 5700/- was recovered from his possession. Further the petitioner is accused in four cases of similar nature.

Having regard to the submissions made hereinabove and considering the fact that nothing substantive came up during the investigation against the petitioner as transpires from the case diary and further considering the fact that No Test Identification Parade has been conducted and the petitioner is in custody since 02.06.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate- I, Bikramganj, Rohtas in connection with
Nasriganj P.S. Case No. 74 of 2021, subject to the following
conditions :

(i) The bail bond of the petitioner will be accepted
only after framing of charge, if not already
framed.

(ii) One of the bailors will be a close relative of
the petitioner.

(iii) The petitioner will remain present on each
and every date fixed by the court below.

(iv) In case of absence for three consecutive
dates or in violation of the terms of the bail, the
bail bond of the petitioner will be liable to be
cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

