

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6245 of 2023**

Arising Out of PS. Case No.-276 Year-2019 Thana- DAUDNAGAR District- Aurangabad

UTPAL KANT S/o Uma Kant Yadav R/o Village- Koelwan P.S.- Haspura,  
Distt- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate  
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      17-08-2023                      Heard the parties.

The petitioner is in custody in connection with Daud Nagar P.S. Case No. 276 of 2019 for the offence under section 392 of the Indian Penal Code lodged on 23.08.2019 by the informant, Bimlesh Kumar.

As per the prosecution story, the allegation is that near Bhakhru More, the accused persons looted the motorcycle of the informant on the point of pistol and escaped. Accordingly, the F.I.R.

The case of the petitioner is that on suspicion and criminal antecedent, he has been arrested. Though Police alleged that on his confession, the motorcycle was recovered, despite he being in custody since 20.09.2022 (as stated in paragraph 9 of the petition), no T.I. parade was conducted.



The last submission is that one of the co-accused, Murari Kumar has been extended privilege of bail by a co-ordinate Bench vide Cr. Misc. No. 20161 of 2022.

Learned APP opposes the prayer for bail stating that he has criminal antecedent.

Taking into account the aforesaid facts as also his period of custody i.e. 20.09.2022 and one of the co-accused has since been released on bail, as stated above, F.I.R. lodged and ultimately will have to face the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M., Daud Nagar, Aurangabad, in connection with Daud Nagar P.S. Case No. 276 of 2019 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

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