

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17992 of 2023

Arising Out of PS. Case No.-334 Year-2022 Thana- BRAHMPUR District- Buxar

UDIT PANDEY @ UDIT KUMAR PANDEY SON OF LATE RAVIKANT
PANDEY R/O VILLAGE- NAYA BHOJPUR, P.S.- DUMRAON, DISTRICT-
BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 17-08-2023 Heard the parties.

The petitioner is an accused in connection with
Brahmpur (Krishna Brahm) P.S. Case No. 334 of 2022
registered for the offences under sections 457 and 380 of the
Indian Penal Code lodged on 08.05.2022 by the informant,
Virendra Singh.

As per the prosecution story, the informant alleged
that unknown accused persons stolen three smart phones, two
general phones, jewellery as also Rs. 35,000/- from his house.

Subsequently, during investigation one Bhutan Rai
was arrested, on his confession, the petitioner was brought in the
present case.

It is the case of the petitioner that he is in custody



since 19.06.2022 (as stated in paragraph 12 of the bail application), nothing has been recovered from his conscious possession and similar situate co-accused, Bhutan Rai has since been released on bail vide Cr. Misc. No. 50015 of 2022.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that there is difference between the two inasmuch as Bhutan Rai has no criminal antecedent whereas the petitioner has criminal antecedent.

Taking into account the submissions put forward by the rival parties, the petitioner has remained in custody since 19.06.2022, nothing incriminating has been recovered from his possession, FIR lodged and ultimately will face the trial, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Brahmpur (Krishna Brahm) P.S. Case No. 334 of 2022, 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 *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 for next one year to mark 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 his 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 the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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