

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19298 of 2023

Arising Out of PS. Case No.-132 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

JUGUL UPADHYAY SON OF MUNAN UPADHYAY R/O VILLAGE-
MADURNA, P.S.- CHAINPUR, DISTRICT- KAIMUR AT BHABUA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-05-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with S.Tr. no. 413 of 2022 (arising out of Durgawati P.S. Case no. 132 of 2022) registered under section 392 of the Indian Penal Code.

3. As per the prosecution case, it is stated by the informant that he being a driver of the truck loaded with cement had parked the same in front of Narayan Logistic Transporter and was sleeping when he heard the sound of breaking glass. He found that one person had entered into the cabin and demanded money and mobile. He further states that due to fear he gave Rs. 5,000/- and found that his mobile was missing. The accused persons fled away on their motorcycle.



4. It is submitted by learned counsel for the petitioner that the FIR was registered against unknown. The petitioner has no connection with the alleged motorcycle bearing registration no. UP-67AA-6673. Referring to the order of the learned Trial Court it is submitted that the name of the petitioner transpired in the confessional statement of co-accused Nausad Ansari made before police and the said co-accused has been enlarged on bail vide order dated 16.12.2022 (Annexure-2) passed in Cr. Misc. no. 54306 of 2022. The petitioner is in custody since 27.5.2022 but has not been put on T.I. Parade and charge sheet has been submitted in the case.

5. Heard learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, the petitioner not having been put on T.I. Parade inspite of being in custody for more than 11 months since 27.5.2022, no incriminating article having been recovered from the petitioner's possession and grant of bail to co-accused Naushad Ansari on whose confessional statement made before police the name of the petitioner transpired, the Court directs the petitioner to be enlarged on bail in connection with S.Tr. no. 413 of 2022 (arising out of Durgawati P.S. Case no. 132 of



2022) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge XI, Kaimur at Bhabua.

(Partha Sarthy, J)

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