

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19042 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- TURKAULIYA District- East Champaran

Birendra Upadhyay Son Of Late Adalt Upadhyay Resident Of Village-
Chargahan Ps- Turkauliya, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 341, 323, 324, 325, 308, 379, 504, 506 & 302 of the Indian Penal Code.

According to FIR, the informant alleged that on order of this petitioner, co-accused Pawan Kumar assaulted him due to which he sustained injuries and thereafter, he succumbed to injury. It is also alleged that accused persons took away Rs. 49,000/- from possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. From perusal of FIR, it appears that the petitioner is only alleged to



have order giver due to which he has falsely been implicated in this case. Specific allegation is attribute against other co-accused namely, Pawan Kumar who assaulted the informant due to which he died during treatment. It is further submitted that the petitioner is languishing in judicial custody since 21.1.2023.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Turkauliya P.S. Case No. 59 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Chief Judicial Magistrate, East Champaran at Motihari.

(Sunil Kumar Panwar, J)

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