

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27620 of 2023

Arising Out of PS. Case No.-77 Year-2022 Thana- AIRPORT District- Patna

Shivendu Upadhyay Son Of Pranav Kumar Upadhyay @ Pranav Upadhyay
Mohalla- Ag Colony, Kautilya Nagar, Ps Shastrinagar Dist Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
26.03.2022 in connection with Hawaii Adda P.S. Case No.77 of
2022, F.I.R. dated 26.03.2022 for the offences punishable under
Section 393 of the Indian Penal Code.

3. According to prosecution case, as per F.I.R. the
informant alleged that on 26.03.2022 at about 3:00 A.M. he was
going towards Phulwarisharif on his tractor loaded with bricks.
When he reached near Mahuabagh More, two persons on a
motorcycle overtook his tractor and they got the tractor stopped.
Thereafter, they took out their pistol and demanded money from
informant. In the meantime they saw police on patrolling duty
and they fled away towards Phulwarisharif railway crossing.



Informant apprised the incident to the police. Police chased their motorcycle and since the railway crossing was closed at that point of time, one of the accused (petitioner) was nabbed by the police.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R. He further submits that it appears from the F.I.R. as well as seizure list that one pistol and two mobile have been recovered from the possession of the petitioner and one Bullet motorcycle also recovered from the possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 26.03.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, in which petitioner is on bail.

6. Considering the aforesaid facts and circumstances,



let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Ms. Mahvish Fatma, Judicial Magistrate, 1st Class, Patna in connection with Hawai Adda P.S. Case No.77 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of



bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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