

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35284 of 2023

Arising Out of PS. Case No.-132 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Upender Kumar @ Upendra Kumar Son of Rajdev Mukhiya Resident of
Village - Siswa Ajgari, P.S.- Banjariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Turkauliya (Banjariya) P.S. Case No. 132 of
2023 registered on 24.01.2023 for the alleged offences under
Sections 413/414 of the Indian Penal Code.

04. As per prosecution case, during night patrolling,
three motorcycles were signaled to stop, but one of the riders
fled away with his motorcycle and four persons riding other two
motorcycles were apprehended and it was found that they were
riding stolen motorcycles. The petitioner is one of the



apprehended persons riding on motorcycles.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was going to market and took lift from the motorcycle rider Guddu Kumar who was apprehended with him. The co-accused Dinesh Thakur @ Divesh Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 17.05.2023 passed in Criminal Misc. No. 18562 of 2023. The petitioner is in custody since 20.04.2023 and charge-sheet has been submitted. The petitioner is having one criminal antecedent in which he is on bail.

06. Learned APP for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the grant of bail to the similarly situated co-accused person and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya



(Banjariya) P.S. Case No. 132 of 2023 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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