

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45909 of 2022

Arising Out of PS. Case No.-154 Year-2021 Thana- MANER District- Patna

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Upendra Singh, Son of Late Jwala Prasad Singh Resident of village -
Daulatpur Simri, P.S.- Bihta, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

4 24-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with S.T.
No. 35 of 2022 arising out of Maner P.S. Case No. 154 of
2021, registered for the offences punishable under Sections
302 and 34 of the Indian Penal Code.

The prosecution case as emerging from the FIR is
that the brother of informant was Marble *mistry* and on



28.02.2021 at about 01:00 P.M. he went outside from his house for marble work but did not return to his home till 09:00 P.M. Later, the informant got an information that petitioner and his associates killed his brother by gun-shots and the dead body of the victim was lying at Maulinagar, Chinauti well canal.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR because FIR has been lodged against unknown and even after investigation there is no concrete material collected by the Police to connect the petitioner with the alleged offence and the whole case against the petitioner is based on suspicion.

He further submits that the petitioner has been languishing in jail since 04.06.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail



petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP and Ld. counsel for the Informant for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Addl. District Judge-VI, Danapur, Patna in connection with S.T. No. 35 of 2022 arising out of Maner P.S. Case No. 154 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly



make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

However, Trial Court is directed to conclude the trial within six months failing which the Trial Court has to give reason why the trial has not been concluded within prescribed period of time.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a



period of one month and the Registry is directed to issue the
certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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