

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61346 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- MITHANPURA District- Muzaffarpur

Yogendra Upadhyay @ Yogendra Kumar Upadhyay S/O Ram Suresh
Upadhyay R/O Village- Motiganj, Ps. Bharthana, Dist. Etawah, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jagnnath Singh

For the Opposite Party/s : Mr.Md. Ataur Rahman

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 12-09-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks.

2. Heard learned counsel for the petitioner and learned
A.P.P for the State.

3. The petitioner has preferred this application for
grant of regular bail in connection with Mithanpura P.S. Case
No. 04/2023 (G.R. No. 18/2023) dated 02.01.2023 registered for
the offences punishable under Sections 348, 386, 379, 342, 504
and 506 read with 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have abducted the informant
and took his signature on a stamp paper and a plain paper and



recorded his statement and made his video on the point of pistol. Thereafter, the informant was forced to make a call to people of the college and directed to issue forged and fabricated document. In the meantime, they snatched 12 lacs from the informant and also took ransom of Rs. 6,80,000/- on phone-pay. It is further alleged that the petitioner along with the co-accused persons embezzled Rs. 60 lacs by illegal means.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. There is a delay of 9 days in lodging the FIR from the date of occurrence. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 03.04.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Muzaffarpur in connection with Mithanpura P.S.



Case No. 04/2023 (G.R. No. 18/2023), with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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