

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60147 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- JAGDISHPUR District- Bhojpur

UPENDRA SINGH Son of Chhabila Yadav R/V- Chaurahi, P.S- Tiyar in the
District of Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

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

The petitioner is apprehending arrest in connection
with Jagdishpur P.S. Case No. 46 of 2022 under sections 279,
337, 338, 325, 353, 332 and 414 of the Indian Penal Code.

As per the prosecution story, the informant, a
police Constable alleged that as he was checking the papers of
the vehicle, the petitioner herein was found in suspicious
condition on a motorcycle and as he failed to show paper, he
was being taken to the police station. Midway, he jumped from
the motorcycle, as a result, the motorcycle fell down and the
Constable suffered injury. Accordingly, the FIR.



Learned counsel for the petitioner submits that only due to enmity he has been dragged in the case. Neither he was present at the spot nor anything to do with the motorcycle and only due to enmity with the Constable, he has been implicated in this case.

The learned APP opposes the prayer for bail.

Considering the aforesaid submission put forward by the petitioner as also the motorcycle has not been found in conscious possession of the petitioner, this Court is inclined to grant him the privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Bhojpur , in connection with Jagdishpur P.S. Case No. 46 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with following conditions:

- (i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall co-operate in the investigation



and make himself available to the police as and when required;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

