

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66415 of 2022

Arising Out of PS. Case No.-36 Year-2020 Thana- NAVINAGAR District- Aurangabad

UPENDRA SINGH Son of Baban Singh R/O village - Rama Bandhi, P.S.-
Hussainabad, District - Palamu (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Advocate.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 12-05-2023 The applicant/accused in Crime No. 36 of 2020 registered with Navinagar Police Station giving rise to Sessions Trial No. 139 of 2020/01 of 2022, for the offences punishable under Section 392, 395 and 412 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial. This is third bail application of the applicant.

According to the prosecution case, First Informant Santosh Kumar Gupta along with his co-villager Rajesh Kumar Rajak were proceeding on a motorcycle. Four unknown robbers intercepted them and snatched their motorcycle as well as mobile phone.

The learned counsel for the applicant argued that the applicant is behind bar from 16.03.2020 and the trial is not to be completed within a reasonable time. It is further argued that



even if case of the prosecution is accepted then the material against the applicant is to the extent that his motorcycle was used in commission of crime. The looted mobile phone was recovered from possession of co-accused Sharwan Kumar and that co-accused is already released on bail.

The learned Additional Public Prosecutor opposed the bail application.

I have considered the submissions so advanced. The applicant is undergoing pre-trial detention from 16.03.2020. Co-accused with more serious role such as Sharwan Kumar and Sunil Kumar @ Sunil Kumar Singh are already directed to be released on bail by the Co-ordinate Bench of this Court.

In this view of the matter, the following orders:-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 36 of 2020 registered with Navinagar Police Station giving rise to Sessions Trial No. 139 of 2020/ 01 of 2022, be released on bail on executing P.R. bond of Rs.10,000/- (Rupees ten Thousand) on furnishing two sureties of the like amount to the satisfaction of the trial court.

with the following conditions: -



(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade them from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial. He should attain each and every date fixed for hearing unless exempted by the learned trial Court.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(A. M. Badar, J)

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