

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44637 of 2024

Arising Out of PS. Case No.-163 Year-2024 Thana- GHOSI District- Jehanabad

Upendra Ray, Son of Lal Mohan Ray, resident of Village- Didarganj Hault,
P.S.- Malsalami, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Ghoshi P.S. Case No. 163 of 2024 registered
for the offence punishable under Section 392 of the Indian Penal
Code.

3. The prosecution alleges that on 31.03.2024 one
person came and reserved the Tempo of the informant in order
to go Hulasganj. After taking permission from the said person,
the informant went to fill the Gas in Tempo. However, in the
way three persons got seated in the Tempo and snatched the
golden locket and fled away with the Tempo.

4. Learned Advocate for the petitioner contended that
though the F.I.R. has been instituted against unknown



miscreants, however, taking note of the fact that the petitioner had made several calls to the informant, his name has been implicated in this case and save and except the call details, there is no material showing the complicity of the petitioner in the present crime. It is also contended that the alleged looted Tempo was recovered from the Garage of co-accused Lal Babu Chaudhary. No incriminating material has been recovered from the person or possession of the petitioner. The petitioner is in custody since 06.04.2024.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioner bears one criminal antecedent of Excise Act.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record, especially the fact that save and except the call details, there is no material suggesting the complicity of the petitioner, coupled with the fact that investigation of the crime is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Ghoshi P.S. Case No. 163 of 2024, subject to the condition that one of



the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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