

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61231 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- SARAI District- Vaishali

Manish Upadhyay @ Manish Kumar Upadhyay S/O Vinod Upadhyay @
Vinod Kumar Upadhyay Resident of village-Haribanshpur, P.S- Bhagwanpur,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

Mr. Hemant Ray, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-08-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in Sarai P.S. Case No. 11
of 2024, instituted for the offences punishable under Sections
302 and 120(B) of the Indian Penal Code and Section 27 of the
Arms Act.

3. The prosecution case, in short, is that, all the FIR
named accused persons surrounded the husband of the
informant. The co-accused Sanjeet Kumar and Sanjay Kumar
fired from their pistol on him due to which the informant's
husband died on the spot.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Petitioner is not named in the F.I.R. Name of the petitioner has transpired on the basis of confessional statement of co-accused Rishu Kumar which has no evidentiary value and the except the said confessional statement there is nothing against the petitioner. The petitioner is in custody since 22.07.2024 and has got three criminal antecedents. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court *vide* order dated 21.06.2024 passed in Cr. Misc. No. 39211 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court



below/concerned Court in connection with Sarai P.S. Case No.
11 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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