

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66276 of 2023

Arising Out of PS. Case No.-172 Year-2023 Thana- WARISNAGAR District- Samastipur

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Kanhaiya Upadhyaya @ Kanhaiya Upadhyay Son Of Late Baban Upadhyay
Resident Of Village - Uchhawan Tola, Polie Station - Thawe, District -
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL ORDER

3 30-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Warisnagar P.S. Case No. 172 of 2023, registered for the
offences punishable under Sections 420 and 379 of the Indian
Penal Code but charge-sheet has been submitted under Sections
379, 420 and 411 of the Indian Penal Code.

3. As per the prosecution case, two accused persons
posing themselves as police of Town P.S. told the informant to



brought his vehicle at police station and took away Rs. 89,000 from the vehicle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the recovered amount of Rs. 89,000 belongs to the petitioner and the said money is not looted money. He also submits that nothing has been recovered either from the house or the backside of the house of the petitioner. He further submits that the petitioner and the informant had dispute with regard to the payment of dues amount and due to that reason the petitioner has been falsely implicated in this case. He further submits that charge-sheet has already been submitted in this case against the petitioner and there is no chance of absconding or tampering with the evidence. He also submits that the petitioner has no criminal antecedent and he is in jail custody since 31.05.2023.

5. Learned APP for the State has opposed the prayer for regular bail of the petitioner.

6. Considering the facts and circumstances of the case and the submissions of learned counsel for the parties, let the petitioner, above named, 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 Judicial
Magistrate 1st Class, Samastipur in connection with Warisnagar
P.S. Case No. 172 of 2023.

(Sunil Dutta Mishra, J)

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