

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75071 of 2023

Arising Out of PS. Case No.-397 Year-2021 Thana- BELAGANJ District- Gaya

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UPENDRA KUMAR NIRALA SON OF RAJ NANDAN SINGH RESIDENT
OF VILLAGE- BATASPUR, P.S.- BELAGANJ, DISTRICT- GAYA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr.Shyam Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 07-03-2024 No one appears on behalf of the petitioner though,

learned APP for the State is present.

2. The petitioner apprehends his arrest in connection with Belaganj P.S. Case No. 397 of 2021 registered under Sections 353, 452, 504 and 34 of the Indian Penal Code lodged on 16.11.2021 by the informant, Kundan Kumar.

3. As per the prosecution story, the informant alleged that the petitioner herein is the husband of the ‘*Mukhiya*’ candidate entered his chamber and used unparliamentary language and also threatened to put him behind the Bar. The reason being the counting of votes in which the petitioner’s wife was trailing. Accordingly, the FIR.

4. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that he entered



the official chamber and used unparliamentary language.

5. Though none is present to defend the petitioner, in view of the allegation that has come on record, the FIR lodged and the petitioner will have to face the trial, this Court is inclined to grant him privilege of anticipatory bail.

6. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Gaya in connection with Belaganj P.S. Case No. 397 of 2021, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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 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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) 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 his bail bonds;

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

(Rajiv Roy, J)

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