

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42163 of 2019**

Arising Out of PS. Case No.-15 Year-2019 Thana- PANAPUR District- Saran

SUBODH UPADHYA @ SUBODH KR. UPADHYA, aged about 25 years  
(Male), Son of Saileshwar Upadhyia @ Sharveshwar Kr. Upadhyia, Resident  
of Village-Silhauri, P.S-Madhaura, District-Saran, Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Rajendra Kumar Dubey, Advocate.  
For the Opposite Party : Mr.Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      15-07-2019                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner is languishing in custody since  
25.01.2019 in a case for the offence registered under Sections  
452, 354, 354(B), 376/511 and 506 of the IPC.

The prosecution story, in brief, is that the informant  
Pinki Devi was married with Saroj Tiwary about seven months  
ago. Before marriage, Subodh Upadhyia (petitioner) tried to talk  
forcibly with her on *Whatsapp*. When she refused to talk, this  
petitioner threatened her showing Arms on *Whatsapp* and he  
also demanded money otherwise he would kill her brother. On  
24.01.2019, after eating meal, she was sleeping at her *Maiyke*,  
in the meantime, at about 2.30A.M, this petitioner entered into  
her room and tried to commit rape with her and he also torn her



*Sari*. On hulla, her mother, brother Pankaj Kumar Pandey and nearby people gathered there and they also caught this petitioner and informed to the police and he was arrested.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. There is no substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- IV, Saran at Chapra, in connection with Panapur P.S. Case No. 15 of 2019.

**(Sudhir Singh, J)**

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