

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42107 of 2025

Arising Out of PS. Case No.-359 Year-2024 Thana- CHAKIA District- East Champaran

Kundan Upadhya @ Kundan Upadhyay S/O Lalbabu Upadhayaya R/O Vill.-
Bansghat, P.s.- Chakiya, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-08-2025 Heard the parties.

2. The petitioner seeks bail in connection with Chakia P.S. Case No. 359 of 2024 registered for the offence under Sections 308(4) of BNS and Section 27 of Arms Act.

3. The petitioner is not named in the F.I.R. and is in custody since 17.02.2025.

4. As per FIR, informant received a call, while he was in shop regarding ransom of Rs. 5 lakh upon detailed inquiry it was disconnected and subsequently at around 11:40 A.M. two persons riding on black Apache motorcycle came near to his shop and fired two bullets in-



front of his shop and thereafter fled away.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of this petitioner transpired during investigation on the basis of confessional statement of co-accused Nishant Kumar @ Nishant Maurya, in furtherance of which no incriminating material recovered/ surfaced during course of investigation as to connect petitioner with present occurrence. It is submitted that admittedly no extortion was paid and no one was injured due to firing. Learned counsel also submitted that petitioner was not put on TIP as yet and moreover the person who confessed the name of petitioner *qua* his involvement with occurrence namely Nishant Kumar @ Nishant Maurya has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 19791 of 2025 vide order dated 15.07.2025 and also the co-accused Kundan Kumar Thakur @ Kundan Thakur from the possession of whom the black Apache motorcycle was granted bail by



one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 24986 of 2025 vide order dated 15.07.2025. While concluding the argument, it is submitted that one of the reason *qua* implication of this petitioner with present crime in question is his criminal antecedents and he found involved in four more criminal cases where he is on bail and in maximum of cases his name transpired on the basis of confessional statement as of present case, without having any evidentiary value under law and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submissions and by taking note of fact as save and except suspicions *prima-facie* nothing incriminating appears against this petitioner during course of investigation as to connect him *prima-facie* with present crime in question, coupled with



fact that investigation of this case already completed where petitioner remains in custody since 17.02.2025, accordingly petitioner above named, is directed to be released on bail in connection with Chakia P.S. Case No. 359 of 2024 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned JMFC, East Champaran at Motihari /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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