

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41165 of 2025**

Arising Out of PS. Case No.-153 Year-2024 Thana- NATIONAL HIGHWAY District-
Samastipur

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Upendra Rai @ Upendra Kumar Rai @ Upendra Ray Son of Ram Babu Ray
Resident of Village- Bahadurnagar, Rahimabad, Ward No.-2, P.S. Bangra @
National Highway @ National High way Bangra, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Suryakant Mishra, Advocate
		Mr. Alok Ranjan, Advocate
		Ms. Lakshmi Kumari, Advocate
For the Opposite Party/s :		Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-07-2025 Heard Mr. Suryakant Mishra, learned counsel for

the petitioner and Dr. Ajeet Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with N.H. Bangra @ National Highway @ Bangra
P.S. Case No. 153 of 2024, F.I.R. dated 13.12.2024 for the
offences punishable under Sections 191(2), 191(3), 190, 126(2),
115(2), 118(1), 352, 351(2), 303(2), 109(1) and 324(5) of the
Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, one worker of
Duratech Cements India Ltd. met with an accident and died
during the treatment and due to this reason around 150 persons



armed with lathi, danda and spade reached the plant and started assaulting with the workers and also damaged vehicles and other electronic items and also pelted stones.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. Although the petitioner is named in the FIR but it appears from the FIR that there is no specific allegation of assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons and more than 150 unknown persons. He further submits that the similarly situated co-accused, namely, Md. Rahis @ Md. Raish has been granted anticipatory bail by this Court vide order dated 16.05.2025 passed in Cr. Misc. No. 23872 of 2025.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in one case and in another case the police have submitted final form in favour of the petitioner.

6. Considering the aforesaid facts and circumstances



that there is no specific allegation of assault against this petitioner and similarly situated co-accused person has been granted bail by this Court, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Samastipur in connection with N.H. Bangra @ National Highway @ Bangra P.S. Case No. 153 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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