

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44768 of 2025

Arising Out of PS. Case No.-216 Year-2025 Thana- SIKARPUR District- West Champaran

Runjhun Upadhyay @ Abhay Kumar Upadhyay S/o- Late Rama Upadhyay @
Late Rama Upadhyay Village- Jaymangalpur Ps- Shikarpur Dist- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Dr. Mrityunjaya Kr.Gautam, APP
For the Informant	:	Mr. Milind Kumar Mishra, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 17-09-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State. Perused
the case diary.

2. The petitioner seeks bail in connection with
Shikarpur P.S. Case No. 216 of 2025 instituted for the offences
under Sections 126(2), 115(2), 316(2), 318(4), 352, 351(2), 3(5)
of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution case, in short, is that the petitioner took
the informant's JCB on rent but neither returned it nor paid the
rent, and when demanded, the petitioner along with his
associates abused, threatened to kill the informant, and
attempted to grab the JCB by preparing fake papers.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case by the informant with ulterior motives. Learned counsel further submitted that, as a matter of fact, informant had not given the JCB in question to the petitioner on rent rather he had mortgaged the JCB to the petitioner against the mortgaged amount of Rs. 1,20,000/- with the assurance to return the said amount by July 2025 and the informant has also prepared an agreement on a Stamp of Rs. 1,000/- dated 27.01.2025. It has been submitted on behalf of the petitioner that the petitioner is in custody since 27.03.2022 and has twelve criminal antecedents.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner stating that the petitioner has twelve criminal antecedents which are more or less similar in nature.

6. Considering the aforesaid facts and circumstances of the case, nature of allegation as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of



Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Shikarpur P.S. Case No. 216 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses or threatens the informant or his family members, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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