

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54568 of 2025

Arising Out of PS. Case No.-274 Year-2024 Thana- KOTWA District- East Champaran

Dipu Upadhyaya S/o- Late Srikant Upadhyaya R/Village- Kotwa Bajar/Kotwa
Bazar PS- Kotwa Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kundan Rathore@ Kundan Kumar, Adv.
For the State	:	Mr. Pradeep Narain Kumar, APP
For the Informant	:	Mr. Suraj Kumar Tiwari, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kotwa
P.S. Case No. 274/2024 registered for the offences punishable
under Sections 126(2), 115(2), 118(1), 110, 303(2), 3(5) of the
B.N.S.S.

3. As per prosecution case, petitioner is said to have
demanded rangdari of Rs.2,00,000/- from the informant. It is
alleged that at the behest of co-accused Minu Devi, petitioner is
said to have caught hair of the informant and tore her clothes
due to which she became undressed. It is further alleged that
co-accused Minu Devi started slitting throat of the informant by
means of knife as a result of which she sustained injury on her



neck. It is further alleged that petitioner is said to have given repeated iron-rod blow on the head of the informant as a result of which she sustained head injury. It is further alleged that when the informant's son came to rescue, the petitioner assaulted him with iron-rod due to which finger of right hand of informant's son was fractured. It is further alleged that when the informant was going to the hospital for treatment, the petitioner, co-accused Minu Devi alongwith 4-5 persons entered in the house of the informant and took away clothes, ornaments worth Rs.50,000/- and cash Rs. 42,000/-.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 31.05.2025 and bears one criminal antecedent in which he is on bail. He further submits that occurrence took place on 22.09.2024 and FIR lodged on 03.10.2024 i.e. after delay of 11 days. He further submits that no plausible explanation has been given by the informant regarding the said delay which questions the authenticity of the prosecution story. He further submits that the present case is nothing but the counter blast of Kotwa P.S. Case No. 271/2024 which is earlier lodged by the petitioner's side against the informant and others. He further submits that injury



report of Sobha Devi indicates that injury is simple in nature. He further submits that injury report of informant's son indicates that informant's son sustained two injuries out of which one injury which is sustained by him on upper cheek is simple in nature whereas another injury sustained by him on palm is grievous in nature but both injuries are not in a vital part of the body. Both parties are *pattidar* and on account of land dispute, the petitioner has been falsely implicated in this case as contained in para 9 of the bail petition and in the cases of land dispute facts are generally exaggerated to make the case graver. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned for the informant as well as A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that there is allegation against the petitioner who is said to have given repeated blow on the head of the informant. Hence, the petitioner does not deserve bail

6. Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on



record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari / Concern Court, Motihari, East Champaran in connection with Kotwa P.S. Case No. 274/2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

