

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58217 of 2025

Arising Out of PS. Case No.-84 Year-2025 Thana- KHAIRA District- Saran

Upendra Nut @ Upendra Nat S/o Bachcha Nut R/o Village - Mithepur, P. S -
Garkha, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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

ORAL ORDER

3 30-08-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Khaira
P.S. Case No. 84 of 2025 instituted for the offence under
Sections 126(2), 115(2), 191(2), 190, 352, 351(2) & 3(5) of the
Bharatiya Nyaya Sanhita, 2023 and Sections 25(1-b)a, 26 & 35
of the Arms Act.

3. As per allegation in the FIR, petitioner along with
other accused persons is alleged to have assaulted the informant.
In the meanwhile, when villagers came there, all the accused
persons managed to ran away but one of the accused persons,
namely, Ritesh Rai, has been caught by the villagers and handed
over to police with one pistol.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 03-06-2025. Petitioner bears four criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Ritesh Rai, who has been granted bail by a Co-ordinate Bench of this Court vide order dated 27-08-2025, passed in Cr. Misc. No. 59136 of 2025. Nothing has been recovered from the conscious possession of the petitioner. Charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, claim based on parity and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Khaira P.S. Case No. 84 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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