

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56630 of 2025

Arising Out of PS. Case No.-271 Year-2025 Thana- RAJGIR District- Nalanda

Machhan Upadhyay @ Bachan Upadhyay @ Ram Bachan Upadhyay, S/o
Tripurary Updahyay, R/o Updhyay Tola Rajgir, P.S.- Rajgir, Dist. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the State : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 19-08-2025 1. Heard Mr. Sanjay Kumar, learned counsel for the petitioner and Mr. Navin Kumar Pandey, learned APP for the State.
2. The petitioner seeks regular bail in connection with Rajgir P.S. Case No. 271 of 2025 dated 19.05.2025, registered for the offences punishable under Sections 310(2) and 311 of the B.N.S.
3. The main submissions advanced by the petitioner's counsel are that the instant matter relates to theft and loot from a Jain temple and at the time of alleged occurrence the informant Sudal Ram was deputed as a night guard and the petitioner was also working as a guard at the said temple, according to the allegation another guard namely Dilip Upadhyay initially entered into the temple along with four unknown persons and thereafter the alleged occurrence of theft and loot were committed and



during that course the informant accepted that the petitioner himself was sleeping inside the temple but later he suspected the petitioner of being involved with co-accused persons in the commission of the alleged theft of ornaments and cash from the temple however this suspicion was without any basis and during the course of investigation, recoveries were made from the possession of the co-accused persons but not from the petitioner and altogether six recoveries were made, of which four were from the co-accused Parmit Tiwari while two were from co-accused Kanhaiya Kumar and Heera Kumar and the police have not found any connection of the petitioner with the said recovered materials or with the said co-accused persons in respect of stolen materials. It is further submitted that the petitioner bears no criminal antecedent and has been languishing in jail since 20.05.2025 and against him the investigation has been completed.

4. Though, learned APP appearing for the State has opposed the bail prayer of the petitioner but fairly accepts that except suspicion raised by the informant and the confessional statement of co-accused Parmit Tiwari there is nothing against this petitioner to show his involvement in the alleged crime of theft and loot.

5. Considering the aforesaid submissions and mainly the petitioner's custody period and the facts that the informant has



only raised suspicion against this petitioner regarding his involvement in the alleged crime and the prosecution has not brought any material to substantiate the said suspicion and also coupled with the petitioner's fair and clean antecedent and completion of investigation against him, in my opinion, it is fit case for bail. Accordingly, let the petitioner named-above be enlarged on bail in connection with Rajgir P.S. Case No. 271 of 2025 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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