

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58651 of 2025

Arising Out of PS. Case No.-121 Year-2025 Thana- PALIGANJ District- Patna

Upendra Singh @ Butan Singh S/O Late Bankey Singh R/O Village-
Balipankar Achua, @ Balipakar, P.S- Paliganj, Distt. Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul, Sr. Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 27-08-2025 Heard Mr. Ansul learned senior counsel for the

petitioner and Mr. Mithlesh Kumar Khare, learned APP for the

State.

2. The petitioner has prayed for bail in connection
with Paliganj P.S. Case No. 121 of 2025 registered for the
offence punishable under Sections 126, 115(2), 109, 303(2),
352, 351(3), 3(5) of the B.N.S., 2023 and later on Sections
108(1) of the BNS and Section 302 of the Indian Penal Code
was added.

3. The case of the prosecution is that the petitioner
and his son assaulted the husband of the informant with *lathi*
and *butt* of the pistol. It is alleged that the husband of the
informant was badly assaulted.

4. Learned counsel appearing on behalf of the



petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He also submits that initially a case was registered under Section 109 of the BNS and after the death of the husband of the informant, it was converted under Section 103 of the BNS. It has also been submitted that from perusal of the FIR, it is clear that the nature of allegation is general and omnibus. It is also clear that the assailants were also having pistol but only the butt part was used. It goes to show that the assailants were not having the intention to commit murder. He further submits that from perusal of the post-mortem report, it will also transpire that there were two injuries on the person of the deceased; out of one is abrasion on right leg and second is one stitched wound, whereas the FIR is that the deceased was beaten badly. He also submits that the allegations and the post-mortem report does not co-relate. Moreover, if the assailants were having the intention to commit murder, they should have used the pistol which they were having. Petitioner is languishing in judicial custody since 24.03.2025.

5. The application for bail is opposed by learned APP for the State and submits that the petitioner is having criminal antecedent of one case. Learned counsel for the informant is



present and has submitted that the ante-mortem injuries goes to co-relate the allegations.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Danapur, Patna in connection with Paliganj P.S. Case No. 121 of 2025.

(Ashok Kumar Pandey, J)

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