

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67225 of 2025

Arising Out of PS. Case No.-79 Year-2016 Thana- RAMGARH District- Kaimur (Bhabua)

Manoj Upadhyay S/O Late Sarbjit Upadhyay Village- Ahivas, P.S.- Ramgarh,
District- Kaimur At Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manju Devi W/O Radheshyam Chaubey Village- Mathiya, P.S.- Ramgarh,
District- Kaimur At Bhabua

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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

ORAL ORDER

2 16-09-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Ramgarh P.S. Case No. 79 of 2016 instituted for the offence
under Sections 341, 323, 379, 504 & 34 of the Indian Penal
Code.

3. Prosecution case, in short, is that on 28.04.2016
informant's minor daughter was subjected to an obscene act by
co-accused Shashinath Upadhyay while returning from fetching
water. When the informant protested, she was assaulted, and her
other daughters who intervened were also attacked. During the
incident, the accused allegedly snatched a gold chain from the



informant and her daughters.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 08-08-2025. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. The present one is the misuse of privilege of bail. Learned counsel for the petitioner submits that the petitioner could not appear before the trial court due to unforeseen circumstances. It is further submitted that due to his absence, his bail bond was cancelled on 30.01.2025, but thereafter he voluntarily surrendered before the court on 08.08.2025, yet his prayer for bail was rejected. Learned counsel for the petitioner submits that petitioner is ready to appear on each date fixed by the court below. Bail of similarly situated co-accused, whose bail bonds was cancelled on the same date, has been enlarged on bail by this Court vide order dated 20-08-2025, passed in Cr. Misc. No. 56101 of 2025.

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 and period of custody of the petitioner 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 Ramgarh P.S. Case No. 79 of 2016, 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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