

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68183 of 2025

Arising Out of PS. Case No.-120 Year-2014 Thana- KARAHGAR District- Rohtas

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Upendera Kumar @ Upender Kumar Singh Son of Haridawar Singh Resident
of village- Akorhi PS -Kargahar Distt- Rohtas

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saurav Barial, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 342, 323, 324, 307, 302, 427, 436 and 120(B) of the Indian Penal Code.

3. The case of the prosecution is that some unknown persons had assaulted the nephew of the informant with a ‘*dagger*’ and ‘*knife*’. It is further alleged that in the said assault, the nephew of the informant succumbed to his injuries and died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that the petitioner has not been named in the FIR. After completion of



investigation, the police did not find any material against him and accordingly, did not send him up for trial. During the course of investigation, nothing incriminating has come against this petitioner. During trial, he has been summoned under Section 319 of the Cr.P.C. to face the trial. It is further contended that during the course of investigation statement of Sonu Kumar, who is one of the injured witnesses, was recorded, wherein he alleged that the petitioner had placed a '*Moosar*' on the chest of the deceased. It is also submitted that this allegation did not find place in the initial investigation and has only been developed during the course of trial. Solely on the basis of the improved testimony of witnesses, the petitioner has been summoned. Save and except these statements, no material has been levelled against the petitioner in the entire case. Moreover, the petitioner is languishing in judicial custody since 24.08.2025.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. From perusal of the order of the trial court, it is evident that this petitioner has been summoned under Section 319 of the Cr.P.C. to face the trial only on the basis of deposition of witnesses and it is also manifest that the Investigating Officer did not find any material against the petitioner during



investigation and, accordingly he was not sent up for trial.

7. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kargahar P.S. Case No. 120 of 2014 (S.Tr. No. 463 of 2015) on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge -II, Rohtas at Sasaram.

(Ashok Kumar Pandey, J)

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