

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69550 of 2025

Arising Out of PS. Case No.-213 Year-2025 Thana- KATEYA District- Gopalganj

Prince Upadhyay @ Prince Kumar Upadhyay Son of Radheshyam
Upadhyay Resident of Village - Batal Chauraha, P.S.- Kateya, District -
Gopalganj, Bihar – 841441. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akshay Ashish, Advocate
For the State : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-09-2025 Heard Mr. Akash Ashish, learned counsel for the petitioner
as well as Mr. Bishweshwar Ram, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection
with Kateya P.S. Case No. 213 of 2025, F.I.R. dated 24.04.2025
for the offences punishable under Sections 126(2), 115(2), 118(1),
109(1), 303(2), 351(2), 352, 3(5) of the BNS.

3. According to prosecution case, the petitioner along with
other co-accused persons is said to have assaulted the informant
and others with lathi, danda fists and legs etc. It is further alleged
that accused persons snatched one gold worth Rs. 30,000/- from
informant's daughter-in-law and also assaulted her.

4. Learned counsel for the petitioner submits that petitioner
is innocent and he has falsely been implicated in the present case.
He fairly submits that due to some petty dispute, the present
occurrence has taken place. Both the parties are agnates and there



is case and counter case between them. It is further submitted that although, some family members of the informant have received the injury but injury report of the informant and her family members suggests that injuries are simple in nature. Apart from that, as per allegation in the FIR, the petitioner has inflicted farsa blow upon the informant but injury report of the informant does not support the allegation as alleged in the FIR.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner in the FIR against the petitioner and apart from that the petitioner carry one more case other than the present one but fairly submits on the basis of paragraph 3 of the petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, there is case and counter case between the parties and injury inflicted upon the injured persons is found to be simple in nature, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Gopalganj in connection with Kateya P.S. Case No. 213 of 2025,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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