

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8172 of 2026

Arising Out of PS. Case No.-316 Year-2014 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Upendra Rai @ Upendra Kumar Son of Dinanath Ray Resident of Village
-Nandpuri Bhagwanpur PS -Sadar Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Khushi Awadh, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State .

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 147, 148, 149, 323,
295, 435, 395 and 353 of the Indian Penal Code.

3. The prosecution case is brief in that informant
Anirudh Yadav, given a written petition before the Sadar PS
Muzaffarpur stating therein that on 25.07.2014, he along with
other persons carrying a business of the selling of milch cows,
in this regard, they loaded 24 milch cows carrying a truck
bearing Registration No. BRIG-7170 and another truck bearing
Registration No. BRV-5028 loaded on 21 milch cows total 45
milch cows along with their kids of different persons going to



Supaul Hat. In the meantime, about 9:00 pm when they reached near Patahi Chowk four persons on two motorcyles on is red colour bullet motorcylce following them and when they reached near Anuradha market then, the aforesaid persons along with other are stopped both truck thereafter they searched to cabin of the both trucks and they abusing them. Thereafter, they threatened different way and they looted the aforesaid milch cows along with their kids. FIR lodged against eighteen named accused persons and 100 to 132 unknown per sons. During the investigation, the looted aforesaid two cows recovered from the petitioner. The petitioner named in FIR and he fully involved in this occurrence along with other co-accused.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case merely on the basis of suspicion. He further submits that there is no specific allegation against the petitioner and the petitioner has two criminal antecedents, as statement made in para 3 of the bail application.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the fact that F.I.R. was lodged on 25.07.2014 but



the seizure list was prepared on 26.07.2014 and while sending the F.I.R. to the Court, the seizure list was not forwarded along with the same, it creates a suspicion about the authenticity of the seizure list and also given the fact that there is specific allegation that no copy of the seizure list was handed over to any of the family members of the accused person, it appears that the petitioner has been implicated in the present case on mere suspicion as not even parentage of the accused persons are not mentioned in the F.I.R. thereby creating a doubt on the identity of the named accused person. In such circumstances, I am inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, as named above, in the event of his arrest or surrender within four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-9th, Muzaffarpur, in connection with Sadar P.S. Case No. 316 of 2014, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and subject to further condition that :-

(i) the petitioner shall co-operate in the investigation/



trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner and in case 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, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

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