

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29486 of 2026

Arising Out of PS. Case No.-447 Year-2025 Thana- ADAPUR District- East Champaran

Upendra Prasad Yadav Son of Sewak Rai Resident of Village- Kanuniya
Kathenwa, P.S.- Adapur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-05-2026 Heard Mr. Anil Kumar, learned counsel for the

petitioner as well as Mr. Jitendra Kumar Singh, learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
20.12.2025 in connection with Adapur P.S. Case No. 447 of
2025, F.I.R. dated 19.12.2025 for the offences punishable under
Sections 318(4), 317(5), 338, 336(3) of the Bharatiya Nyay
Sanhita, 2023.

3. According to prosecution case, police recovered
two stolen motorcycles from the house of the petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. From bare perusal of the FIR it appears that on the
basis of secret information, police recovered two motorcycle



from the house of the petitioner. He next submits that petitioner is not the absolute owner of the house in question. He further submits that seizure list witnesses are police personnel and there is non-compliance of Section 103 and 105 of BNSS. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 20.12.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries two criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Judicial Magistrate-I Class, Raxual, Motihari in connection with Adapur P.S. Case No. 447 of 2025, subject to the 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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