

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26601 of 2026

Arising Out of PS. Case No.-542 Year-2023 Thana- SAHPUR District- Bhojpur

Pankaj Upadhyay S/O Shiv Kishore Upadhyay @ Shiv Kishor Upadhyay R/O
Vill.- Chhotaki Nainijore, P.s.- Nainijore, Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Basanth Chaudhary, Sr. Advocate Mr.Abhay Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 06-05-2026 Heard the parties.

2. This is the second attempt of the petitioner for grant of regular bail in connection with Shahpur P.S. Case No. 542 of 2023 registered for the offence under Sections 364(A), 411 of the Indian Penal Code and Sections 25(1-B)a, 26, 35 of Arms Act. Earlier the bail application of the petitioner was rejected vide order dated 17.01.2025 passed in Cr. Misc. No. 60533 of 2024 which reads as under:-

Heard the learned Senior counsel for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail in connection with Shahpur P.S. Case No. 542 of 2023 registered for the offence under Sections 364(A)/411 of the Indian Penal Code and Section 25(1-B)a, 26 & 35 of the Arms Act.



3. The petitioner and others are accused of kidnapping the victim and demanding Rs. 5 Lakhs as ransom.

4. Learned senior counsel for the petitioner submits that the petitioner is innocent and has committed no offence. It is further submitted that the name of this petitioner has surfaced in the confessional statement of co-accused namely Ayush. In this case, all the victims have given their statements under Section 164 of the Cr.P.C. Jitendra Pathak, one of the victims, has stated that Kuldeep arrived with seven persons and kidnapped him. He has stated that Ramakant Ojha has told his friends that if anybody comes, they would kill him. Admittedly, Rs. 75,000/- was received in the bank account of Kuldeep. It is also submitted that the main thrust of the allegation is against Kuldeep. It is further submitted that the petitioner is in custody since 09.04.2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail.

6. Considering the fact that the petitioner is involved in the kidnapping of the victim for ransom, this Court is not inclined to grant regular bail to the petitioner.

7. Accordingly, this application for regular bail stands rejected.

3. It has been submitted by the learned Senior Counsel for the petitioner that the trial is progressing and only one out of six witnesses has been examined. Learned Senior Counsel submits since the trial is being delayed, the petitioner



deserves bail and as one co-accused has already been granted bail, the petitioner should also be released upon completion of the examination of the witnesses.

4. Considering the gravity of offence, the fact that the trial is continuing and in light of the judgment of the Hon'ble Supreme Court in the case of **X vs. State of Rajasthan & Anr.** reported in **2024 SCC OnLine SC 3539**, this Court finds no ground to review its earlier order.

5. Accordingly, this application is dismissed again with liberty to the petitioner that he may renew his prayer for bail, if the trial is delayed by the prosecution.

6. The Superintendent of Police, Bhojpur is directed to ensure the attendance of the witnesses in the trial.

7. Let a copy of this order be communicated through FAX or e-mail to the Superintendent of Police, Bhojpur for its compliance.

(Sandeep Kumar, J)

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