

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27969 of 2026

Arising Out of PS. Case No.-94 Year-2024 Thana- NEORA District- Patna

Upendra Rai @ Upendra Kumar S/o- Late Ramchandra Rai R/v- Mustafapur
Ps- Bihta Dist- Patna

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s
Appearance :
For the Petitioner/s : Mr. Saket Anand, Advocate.
For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 19-06-2026 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 302, 120B and 34 of the Indian Penal Code.

3. The case of the prosecution is that the son of the informant, namely, Amlesh Kumar @ Rakesh Kumar was called by someone for some work. When the son of the informant reached there, Upendra Rai (the petitioner) caught hold him and Tunna Kumar shot him dead. Accordingly, the FIR.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has committed no offence. He



has falsely been implicated in this case. He also submits that from perusal of the FIR itself, it is clear that the petitioner is not the main assailant. According to the FIR, Tunna Kumar is the assailant. The name of this petitioner has surfaced in the confessional statement of co-accused. Learned counsel for the petitioner has submitted that in any view of the matter, the petitioner is not the assailant. There is no specific allegation or overt act against the petitioner and the present case is based on mere suspicion. He also submitted that other co-accused persons have been granted bail by the learned coordinate Benches as well as from this Court vide Cr. Misc. Nos.28959 of 2025, 47347 of 2025 and 64791 of 2025. Moreover, the petitioner is languishing in judicial custody since 19.02.2025.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail and submits that the petitioner is having criminal antecedent of one case.

6. Having heard learned counsel for the parties and considering the above facts and circumstances of this 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 Neora P.S. Case No. 94 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of learned Additional Sessions Judge-IV,
Danapur **with the condition that the petitioner shall**
cooperate in trial and shall be physically present before the
learned trial court whenever required.

(Ashok Kumar Pandey, J)

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