

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30151 of 2026

Arising Out of PS. Case No.-80 Year-2025 Thana- Dhobaha District- Bhojpur

Upendra Kumar @ Upendra Paswan S/o Nathuni Paswan R/o Pipra Pakri,
P.S. - Dhobahan, Dist. - Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shiv Prasad Gupta, Advocate
For the Opposite Party : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 24-06-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Dhobha P.S. Case No. 80 of 2025, dated 19.08.2025, registered
for the offence under Sections 103(1) and 3(5) of the Bhartiya
Nyaya Sanhita.

3. As per the allegation, the daughter of the informant
was married with this petitioner and out of the wedlock three
children were born. It has been alleged that, on 14.08.2025, in
the night, the petitioner along with co-accused persons assaulted
the daughter of the informant by means of *lathi*, *danda* and also
by pressing her neck and the eyewitness to the alleged
occurrence was Jaiki Kumar, the son of the deceased. It has
been further alleged that the deceased daughter of the informant
was witness to the illicit relationship of the petitioner with one



Urmila Devi and she used to oppose such relationship due to which the daughter of the informant was killed.

4. Learned counsel appearing for the petitioner has submitted that although Jaiki Kumar, the son of the deceased and the petitioner, has been claimed to be an eyewitness of the occurrence, but the said Jaiki Kumar was never examined during the course of investigation. It has further been submitted that the police, after thorough investigation, has submitted charge-sheet under Section 108 of the BNS, but the learned Magistrate, differing with the charge-sheet, took cognizance under Section 103(1) of the BNS. It has further been submitted that the postmortem report goes to show that the ligature mark was incomplete/absent over right lateral aspect and the cause of death could be hanging, although the autopsy surgeon has opined the cause of death to be asphyxia and venom congestion. It has further been submitted that the witnesses, during the course of investigation, have stated that the deceased was trying to get herself killed by wrapping a rope around her neck, but her attempt failed as people took her to hospital for treatment, but subsequently she could not be saved. Learned counsel for the petitioner has further submitted that the petitioner has got no criminal antecedents. It has lastly been submitted that the



petitioner is in custody since 17.02.2026, charge-sheet has been submitted in this case, but there is no allegation of tampering against the petitioner.

5. Learned A.P.P. for the State vehemently opposed the prayer for regular bail of the petitioner.

6. Heard learned counsel for the parties and perused the record.

7. Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned SDJM, Bhojpur, in connection with Dhobha P.S. Case No. 80 of 2025.

8. The application stands allowed accordingly.

(Praveen Kumar, J)

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