

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35400 of 2026**

Arising Out of PS. Case No.-286 Year-2024 Thana- DUMARIAGHAT District- East  
Champaran

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Santosh Upadhyay @ Santosh Kumar Upadhyay S/o Late Banwari Upadhyay  
R/o Village - Naveen Gandhi Nagar, P.S - Dumariya Ghat, District - East  
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      21-05-2026                      Heard Mr. Karandeep Kumar, learned Counsel for  
  
the petitioner and Mr. Jitendra Kumar Singh, learned APP for  
  
the State.

2. The petitioner apprehends his arrest in connection  
with Dumariyaghat P.S. Case No. 286 of 2024 for the offence  
registered under sections 126(2), 115(2), 118, 117(2), 109(1),  
352, 351(2) and 3(5) of BNS.

3. As per the prosecution story, the informant alleged  
that while he along with his parents were sitting outside, the  
accused persons came, armed variously and the allegation is that  
Daizy Devi and Satyam Kumar attacked on the hand of the  
informant's mother which got fractured. Thereafter, the  
petitioner attacked the informant with *farsa* on the head causing



injury. Again, Satyam Kumar assaulted his father with lathi. DIAL 112 was called, the accused escaped, whereafter, the FIR.

4. At the outset, learned Counsel for the petitioner submits that erroneously and due to typographical error in paragraph 4, it has been wrongly recorded that Santosh Kumar assaulted his father. Actually, he was assaulted by Satyam Kumar, as would manifest from the FIR and for the said typographical error, he undertakes to provide books worth Rs. 500/- to the Lawyer's Association, Patna High Court with which he is enrolled as a member. The receipt shall be filed thereafter.

5. The further submission is that though it is due to the land dispute, exaggerated FIR in which even the females have been implicated. Further, the injury inflicted by the petitioner on the informant has been found to be simple in nature, as would manifest from the learned Sessions Judge order.

6. Learned APP for the State, Mr. Jitendra Kumar Singh on the other hand, opposes the prayer for anticipatory bail submitting that he has criminal antecedent.

7. Considering the submissions of the parties as also the aforesaid facts coupled with the fact that injury has been found to be simple in nature, in that background, this Court is



inclined to grant him the anticipatory bail with conditions.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate First Class, East Champaran, Motihari in connection with Dumariyaghat P.S. Case No. 286 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document (Aadhar Card, PAN Card, Driving License, Voter ID) to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,  
failing which the State shall be at liberty to take steps for  
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any  
criminal offence again failing which the State shall be at liberty  
to take steps for cancellation of the bail bonds.

**(Rajiv Roy, J)**

Vijay Singh/-

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