

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38007 of 2026

Arising Out of PS. Case No.-401 Year-2024 Thana- PIRO District- Bhojpur

Saheb Upadhyay S/o Late Maheshwar Prasad @ Maheshwar Upadhyay
Resident of Village - Piro, Ward No 10, Police Station - Piro, District -
Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 18-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Session Trial No. 22 of 2025 arising out of Piro P.S. Case No. 401 of 2024 registered for the offence punishable under Sections 103(1), 3(5) of the BNS, 2023.

3. The case of the prosecution, in short, is that the father of the informant has gone from the house on 23.09.2024 at 08:00 PM, and he did not return till night. On 24.09.2026, she was informed that near Piro Railway Station, the dead body of her father was thrown. The informant suspects that the father has been killed by strangulation.

4. Learned counsel appearing on behalf of the



petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He submits that from perusal of the FIR, it is clear that the FIR was filed against unknown persons. At the time of filing the FIR, the informant did not have any suspicion against anyone. The informant has named the petitioner in her re-statement wherein she has stated that the father has gone with the petitioner to fetch vegetables at 08:00 PM. He also submits that, at best, the allegation against the petitioner is that he was last seen with the deceased. Save and except the last seen theory, there is nothing against the petitioner. He further submits that admittedly there is no eyewitness to the said occurrence. The present case is based completely on circumstantial evidence. Moreover, a statement has been made in para 3 of the petition that petitioner has no criminal antecedent and he is languishing in judicial custody since 26.09.2024.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail



bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-X, Bhojpur, Ara in connection with Sessions Trial No. 22 of 2025 arising out of Piro P.S. Case No. 401 of 2024.

Sudhanshu/-

(Ashok Kumar Pandey, J)

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