

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40821 of 2026

Arising Out of PS. Case No.-326 Year-2025 Thana- SANGRAMPUR District- East
Champaran

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Rahul Upadhyay Son of Upendra Upadhyay Resident of Village- Dariyapur
Tiwari Tola Ps- Sangrampur District -East Champaran Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari
For the Opposite Party/s : Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-06-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
14.10.2025 in connection with Sangrampur P.S. Case No. 326
of 2025 for the offences punishable under Sections 103(1),
61(2), 111 and 3(5) of the B.N.S., 2023 and Section 27 of the
Arms Act.

3. According to prosecution case, the fardbeyan of the
informant namely Puja Devi alleging therein that on 21.08.2025
at about 09:00 A.M., the husband of the informant namely
Dhananjay Giri went for Civil Court, Motihari in a case of
Shamim @ Motka. The husband of the informant talked with
the informant at about 03.30 P.M. and told that he was coming



home and at about 05.00 P.M. he came to Bada Bazar where co-accused Shamim @ Motka said to the husband of the informant to drop him in his home. Thereafter, husband of the informant along with his friend namely Guddu Yadav were going to drop co accused Shamion Motka on Pulsar Motorcycle bearing Registration No. BR-05BB-5921 meanwhile, under well-planned conspiracy co-accused Shamim @ Motka along with 11 persons stopped the motorcycle of the informant's and co-accused Sarobar Khan along with his associates fired upon the husband of the informant and his friend namely Guddu Yadav. Further it is alleged that the husband of the informant called the informant on his mobile and said that co-accused Sarobar Khan had fired upon him and his friend Guddu Yadav. When the informant reached at the place of occurrence she saw that her husband was lying injured near his motorcycle and at some distance Guddu Yadav was also lying dead. Further it has been alleged that co-accused Nazim Khan, Sawa Karim and Rahul Upadhaya (Petitioner) are also involved in the said crime. Accordingly an F.I.R. has been instituted against 14 named persons including the Petitioner in the concerned police station.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. It is



next submitted that from bare perusal of the FIR it appears that the informant is not an eye-witness to the alleged occurrence. It is next submitted that as per the allegation as alleged in the FIR, all FIR named accused persons are alleged to have made indiscriminate firing upon the husband of the informant, namely, Dhananjay Giri and he has received two fire arm injuries whereas Guddu Yadav sustained one fire arm injury. Learned counsel for the petitioner next submits that from perusal of the FIR it appears that there is no specific allegation that whose fire hit the deceased person and co-accused persons, namely, Sachin Upadhyay, Anawar Khan and Sagar Khan have been granted bail by Coordinate Benches of this Court vide orders dated 12.02.2026, 25.03.2026 and 14.05.2026, passed in Cr. Misc. Nos. 83173 of 2025, 13228 of 2026 and 31079 of 2026 respectively. Learned counsel for the petitioner next submits that police after investigation has submitted charge-sheet and petitioner is in custody since 14.10.2025

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has participated in the present crime in question. Apart from that petitioner has antecedent of two cases other than the present case but fairly submits that the petitioner



is on bail in one case and one case is pending for consideration before the court of competent law.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned C.J.M, East Champaran in connection with Sangrampur P.S. Case No. 326 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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