

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41789 of 2026

Arising Out of PS. Case No.-178 Year-2025 Thana- BHAGWANPUR District- Begusarai

Upak Paswan @ Upek Paswan @ Ram Upek Paswan S/O Ramprit Paswan
Resident of Village - Agapur, P.S.- Mansoorchak, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.

Mr. Amit Prakash, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-06-2026 Heard the parties.

2. The petitioner is not named in the F.I.R. and apprehending his arrest in connection with Bhagwanpur P.S. Case No. 178 of 2025 registered for the offences punishable under Sections 309(4), 311 of BNS of IPC.

3. As per FIR two unknown miscreants committed robbery upon informant and while committing so looted cash of Rs. 74,400/-, one Samsung company tab and one Marpho Finger Machine, from the informant at the place of occurrence.

4. It is submitted by learned counsel appearing on behalf of the petitioner that as per FIR age of accused person was disclosed between 20-30 years, but this petitioner is of 37 years old which falsifies his implication with present crime in question. It is pointed out that the name of this petitioner



transpired with present occurrence on the basis of confessional statement recorded by apprehended co-accused Sajan Kumar in police custody. It is submitted that since Sajan Kumar was in inimical terms with this petitioner, therefore, he named petitioner. It is pointed out that looted material was recovered from the possession of co-accused Sajan Kumar.

5. Arguing further, it is submitted that as per the case of prosecution only two person alleged to be involved in present occurrence, whereas till now three persons have already been arrested i.e., Sajan Kumar, Chhotu and Vikram. It is submitted that implicating this fourth petitioner create a doubt *qua* entire prosecution version that only two person were involved in actual commission of the offence. Petitioner claimed clean antecedent.

6. Learned APP while opposing the prayer of bail submitted that still the investigation of this case is open.

7. In view of aforesaid factual submission and by taking note of fact as the implication of this petitioner *prima-facie* appears merely on the basis of suspicion arising out of confessional statement of apprehended co-accused person, who claimed to be in inimical terms with this petitioner,



accordingly petitioner above-named who is a man of clean antecedent, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned JMFC cum AMK, Begusarai /concerned Court, where the case is pending in connection with Bhagwanpur P.S. Case No. 178 of 2025, subject to the conditions as laid down under Section 482(2) of BNSS.

8. *"Learned trial court is directed to verify the criminal antecedent of this petitioner and upon verification, if petitioner found involved in any other criminal case, contrary to his averment on affidavit, the bail bond of this petitioner shall not be accepted."*

(Chandra Shekhar Jha, J)

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