IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58781 of 2026

CNR No. BRHC010844492026

Arising Out of PS. Case No.-57 Year-2026 Thana- MADHEPUR District- Madhubani

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Rupesh Kumar @ Rupesh Kumar Yadav son of Dilip Kumar Yadav @ Dilip kumar Dipak R/o village- Bakua, P.s- Bheja, District- Madhubani

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate
Mr. Ravi Prakash, Advocate
Mr. Rohit Kant Singh, Advocate
For the Opposite Party/s : Mrs. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

4 19-11-2026 Heard learned counsel for the petitioner and learned A.P.P. on behalf of the State.

2. This application is filed for grant of regular bail to the petitioner who has been made accused in connection with Madhepur P.S. Case No. 57 of 2026, registered for the offences punishable under Sections 310(4), 310(5), 312, 318(2), 318(3), 111(3), 111(4) of the B.N.S., Sections 25(1-B)(a), 26, 35 of the Arms Act and Sections 21, 22 of the N.D.P.S. Act.

3. As per the FIR allegation, two persons were apprehended namely, Mahesh Paswan and this petitioner and some of the accused persons had fled away. On search 63.8 grams of brown sugar has been recovered from the conscious

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possession of the petitioner while two live cartridges were recovered from the pocket of the co-accused, Mahesh Paswan. It is also alleged that one loaded country made pistol was recovered below from the front vehicle seat.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged in the FIR and has been falsely implicated in the present case and no occurrence as alleged in the FIR took place and the entire prosecution version is fabricated. It is submitted that no contraband has been recovered from the possession of the petitioner as alleged by the prosecution.

5. It is submitted that the police forcibly obtained petitioner’s signature on blank paper and converted the same into seizure list. It is further submitted that the petitioner is neither the owner nor the driver of the seized vehicle and he has been apprehended merely on the basis of suspicion while going to his house. Lastly, it is submitted that quantity of the brown sugar which has been recovered is much below the commercial quantity and falls under the category of ‘intermediate quantity’.

6. Learned counsel for the petitioner submits that the petitioner is in judicial custody since 28.02.2026 having six criminal antecedents.

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7. The Coordinate Bench of this Hon'ble Court, vide order dated 01.07.2026 passed in Cr. Misc. No. 43482 of 2026 and vide order dated 29.07.2026 passed in Cr. Misc. No. 51907 of 2026 has granted bail to the co-accused, namely, Nitish Kumar Yadav and Mahesh Paswan respectively.

8. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

9. Considering the fact that the quantity of the contraband recovered is much below the commercial quantity and the petitioner is a student who is preparing for competitive examinations and also taking into consideration the period of custody and the materials available on record, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.20,000/- (Twenty thousand rupees) with two sureties of the like amount each to the satisfaction of the Court of learned Principal Sessions Judge, Madhubani in connection with Madhepur P.S. Case No. 57 of 2026 on the following conditions:-

(i) That one of the bailors should be family member of the petitioner.

(ii) That the petitioner will cooperate in the trial and will remain present on all dates personally or should be duly

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represented through his counsel and whenever required to be physically present by the Court, he should physically appear in Court on that date.

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

(iv) The trial court shall verify the criminal antecedents of the petitioner and if at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial Court shall take steps for cancellation of the bail bond of the petitioner. However, the acceptance of bail-bond shall not be delayed for the purpose of in name of verification.

(Kumar Manish, J)

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