

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71228 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- MEHSI District- East Champaran

Upendra Rai @ Upendra Kumar Yadav S/O Hitlal Rai Resident of village-
Kataha ward no. 10, P.S.- Mehshi, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-02-2026 Heard the parties.

2. The petitioner apprehends his arrest in connection with Mehshi P.S. Case No. 42 of 2025, registered for the offences punishable under Sections 126(2), 127(2), 115(2), 118(1), 109, 76, 352, 351(2), 303(2), 3(5) of the BNS.

3. The allegation against the petitioner is of causing assault by means of an axe over the head of the informant, besides misbehaviour and snatching of valuable with the help of other accused persons.

4. Learned Advocate for the petitioner submitted that allegedly the occurrence took place on 15.02.2025 but the present FIR came to be instituted on 28.02.2025 without there being any plausible explanation of delay. The parties are said to have been bickering over a land dispute and, as such, false



implication of the petitioner cannot be ruled out, is the contention of the learned Advocate for the petitioner. The injury, which is alleged to have sustained to the informant, later on found to be simple in nature as is evident from page -28 of the case diary. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that there is specific accusation against the petitioner of causing axe blow over the head of the informant.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of inappropriate delay in lodging of the FIR, coupled with the simple nature of injury, besides the fair antecedent of the petitioner, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, First Class, East Champaran, Motihari in connection with Mehsi P.S. Case No.



42 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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