IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75474 of 2026

CNR No. BRHC011069562026

Arising Out of PS. Case No.-252 Year-2026 Thana- DURAULI District- Siwan

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Prakash Upadhya S/o Vinod Upadhya R/o vill - Melahni, P.S.- Darauli, Distt.- Siwan

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Arbind Kumar, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 27-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in Darauli P.S. Case No. 252 of 2026 instituted for the offences under Sections 25(1-B)(a), 26(1) and 35 of the Arms Act.

3. Prosecution allegation, in short, is that one country made pistol, two live cartridges and a mobile phone were recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case merely on suspicion. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner

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has got no concern with the alleged recovery of arms. The petitioner is in custody since 08.07.2026 and has six criminal antecedents in which he is on bail in five cases. There is no compliance of Section 103 of Bharatiya Nagarik Suraksha Sanhita, 2023. Co-accused has been granted regular bail by a co-ordinate Bench of this Court vide order dated 19.09.2026 passed in Cr. Misc. No. 68042 of 2026.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Darauli P.S. Case No. 252 of 2026, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial and shall not remain absent on two consecutive dates without sufficient cause.

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(III) The petitioner will not tamper with the evidence or the witnesses during the trial.

(IV) The petitioner shall not commit any offence punishable under Chapter XVII (Offences Against Property) of the Bharatiya Nyaya Sanhita, 2023 in future.

If any of the above conditions are violated, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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