

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83397 of 2025

Arising Out of PS. Case No.-138 Year-2025 Thana- MAIRWAN District- Siwan

Upendra Dubey S/o Ram Bhawan Dubey, R/o Village - Sewatapur, P.S -
Mairwa, District – Siwan. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash Chandra, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-02-2026 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Mairwa
P.S. Case No. 138/2025, registered for the offence under Sections
103(1), 3(5) of BNS.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 26.03.2025.

4. As per FIR, the dead body of brother of the informant
was found in a nearby field, which was informed by co-villagers,
whereafter a suspicion was raised by the informant against named
co-accused persons including petitioner to commit murder of his
brother.

5. Learned Counsel appearing on behalf of the petitioner
submitted that informant is not the eye-witness of the occurrence
and merely on the basis of suspicion, petitioner was implicated



with present crime in question. It is submitted that even during investigation nothing incriminating surfaced/recovered, which may connect petitioner *prima facie* with present allegation. It is submitted that considering the aforesaid aspects, similarly situated co-accused, namely, Markandey Tiwari granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 42082 of 2025 dated 03.09.2025 and, therefore, this petitioner also on the ground of parity deserves bail. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence and, moreover, petitioner is a man of clean antecedent.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid factual submissions and by taking note of fact as *prima facie* except suspicion arising out of FIR, nothing transpires during investigation as to connect petitioner with present crime in question, coupled with the fact that investigation of this case is already completed, where petitioner being a man of clean antecedent, remains in custody since 26.03.2025, accordingly, petitioner above named, is directed to be released on bail in connection with Mairwa P.S. Case No. 138/2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-V, Siwan/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

veena/-

U		T	
---	--	---	--

