

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89293 of 2025

Arising Out of PS. Case No.-238 Year-2023 Thana- KOTWA District- East Champaran

Shivakant Upadhyaya @ Shyam Upadhyaya Son of Late Bindeshwari Upadhyaya
Resident of Village - Jasauli, P.S. - Kotwa, Dist. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 10-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 447, 324, 307, 354(B), 379, 504, 506 and 34 of the Indian Penal Code.

3. The case of the prosecution is that the petitioner assaulted the informant with *daab* on his head. There is allegation against other accused persons also of assaulting the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that from perusal of the order of the learned trial court, it will transpire that the nature of



injuries of the informant is simple. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 23.08.2025.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kotwa (Bhopatpur) P.S. Case No. 238 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran.

(Ashok Kumar Pandey, J)

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