

IN THE COURT OF SESSIONS JUDGE, BUXAR

B.P. No. 108 of 2026

(Arising out of Itarhi P.S. Case No. 197 of 2025)

Vikki Upadhyay @ Pankaj Upadhyay, aged about 35 years, S/o Manoj Upadhyay,
R/o Village- Sukrawalliya, Police Station- Itarhi, District- Buxar

..... Petitioner

Versus

State of Bihar

..... Respondent

Appearance:

Learned Public Prosecutor for the State: Sri Kedar Nath Tiwari.

Learned Counsel for petitioner: Sri Shashikant Upadhyay, Ld. Adv.

Present: Kajal Jhamb
Sessions Judge, Buxar

Date of Order: 12th March, 2026

Present Regular Bail Petition filed on behalf of the petitioner named above, who is in custody since 28.11.2025 in connection with **Itarhi P.S. Case No. 197 of 2025** registered u/s 25(1-B)a, 26, 35 Arms Act are put up and moved today.

Copy of bail petition has already been served to the Learned Public Prosecutor for the State.

Learned Counsel for the petitioner certifies that no other bail petition has ever been filed on behalf of petitioner in this matter either before this Court or before any Superior Court. The petitioner has got criminal antecedent of only one case. Prosecution has no objection to the submissions.

The counsel further submits that, the petitioner is quite innocent and has been falsely implicated in this case. Nothing has been recovered from the possession or place of this petitioner. No mandatory provision of B.N.S.S. has been adopted regarding search and seizure by the informant/Police. There is no independent witness of search and seizure list which points towards false implication of the petitioner in this case. The alleged recover fire arm is not in working condition. The only criminal antecedent against the petitioner vide Buxar Mufassil P.S. Case No.232/2025 is a case of false implication. The investigation against the petitioner is over and charge-sheet has been submitted. The petitioner undertakes to cooperate in trial of the case. Therefore, petitioner deserves to be enlarged on regular bail.

Learned Public Prosecutor for the State vehemently opposes the Bail Petition of the petitioner and submits that, the petitioner has got a criminal antecedent of being involved in a murder case. One country made refile and one country made gun along with 6 live cartridges and 80 empty cartridges have been recovered in present case and Country made katta has been found effective and the country made rifle can be made effective after repairing the lower plate of volt. Charge sheet has already been filed against the petitioner and supplementary investigation is pending against co-

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(Arising out of Itarhi P.S. Case No. 179 of 2025)
Present: Kajal Jhamb, Sessions Judge, Buxar

accused persons.

Prosecution case in brief according to self statement of S.I. cum S.H.O. Sonu Kumar Paswan Itarhi P.S. is that, on 27.11.2025 at about 22.15 O'clock Additional S.H.O. of Buxar Mufassil P.S. Chandan Kumar came to Itarhi Police Station and requested assistance for conducting a raid to recover weapons used in Buxar Mufassil P.S. Case No.232 of 2025 from the house of Vicky Upadhyay @ Pankaj Upadhyay/petitioner. At around 23:15 O'clock the raiding team reached at the house of the petitioner and in his presence his house was searched. During search one country made rifle, one country made pistol, six life cartridges and total 80 empty shells were found. On inquiry the petitioner failed to produce legal document or licence after which seizure list was prepared and witnesses put their signature on the same. A copy of seizure list was given to the petitioner. Thereafter, the petitioner was arrested and the F.I.R. was lodged.

Heard learned Counsels of both sides and perused the case diary written upto para 90. Seizure list attached with the F.I.R. shows that a countrymade rifle and a countrymade katta along with 6 live cartridges and 80 empty shells were recovered from the house of this petitioner in his presence. Para 29 of case diary shows that one firearms has been found effective and the country made rifle can be made effective after repairing the lower plate of volt. Para 52 shows that petitioner has got criminal antecedent of a murder case. Para 89 of case diary shows that charge sheet has already been filed against the petitioner. The petitioner is in custody since 28.11.2025.

Thus, considering the submission made by learned Counsels of both sides and fact and circumstances of the case, I am not inclined to enlarge the petitioner on regular bail at this stage. Hence, the present regular bail of the petitioner named above is hereby **Rejected** with liberty that petitioner may renew his prayer of bail after framing of charge.

Dictated

Sd/- Kajal Jhamb
Sessions Judge, Buxar
12.03.2026

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