
In the Court of Sessions Judge, East Champaran at Motihari.

Present:-

Abhishek K. Das
Sessions Judge,
East Champaran at Motihari

Bail Petition No. 628 of 2026

Upendra Sahani, aged about 38 years, S/o- Ram Sawrup Sahani.

Resident of village -Tikuliya P.S.- Pipra, District- East Champaran.

-----**Petitioner.**

Versus

The State of Bihar

-----**Opposite party.**

Counsel for the Petitioner :- Sri Biresh Kumar Sah, Advocate.

Counsel for the State :- Sri Khublal Prasad, Public Prosecutor.

17.03.2026

This bail petition is filed on behalf of the petitioner, namely, Upendra Sahani, who is in judicial custody since 10.09.2025 in connection with Pipra P.S. Case No. 403/2025 u/s 317(5) of Bharatiya Nyaya Sanhita, 2023.

In para-2 of the bail petition, it is mentioned that no other bail petition either anticipatory or regular has ever been filed on behalf of the petitioner either in this Court or before Hon'ble High Court, Patna, except the B.P. No. 3414/2025 which has been rejected with observation. As per para-3 of the bail petition, the petitioner has three criminal antecedents vide (1) Pipra P.S. Case No.31/2021, (2) Pipra P.S. Case No. 87/2023 and (3) Pipra P.S. Case No.153/2025. As per para-4 of the bail petition, the petitioner is in judicial custody 10.09.2025.

As per alleged F.I.R., on 09.09.2025 at 21:00 hours when the informant was started checking vehicle at Hanuman Mandir situated in village Tikuliya alongwith other police personnel, a person riding on a motorcycle bearing registration no. BR22Z5231 was seen coming and seeing the police, he tried to flee away after turning his motorcycle, but he fell down and apprehended by the police personnel. On being asked, he disclosed his name as Upendra Sahani (petitioner). On being demand of paper regarding the motorcycle, he did not produce any paper. On verification of the motorcycle by HHD machine, the chassis number of the seized motorcycle was found to be changed. On query, the petitioner stated that the said seized motorcycle is a stolen motorcycle. Accordingly, the motorcycle was seized and the petitioner was arrested by the police.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has committed no offence, as alleged, and has falsely been implicated in this

case. The alleged offence is not being attracted against the petitioner as he has not been involved in such type of offence. It is further submitted that nothing incriminating has been recovered from the possession of the petitioner. On these basis, it is prayed to allow this bail petition.

The learned Public Prosecutor appearing on behalf of State has opposed the prayer for bail on the basis of materials available in the case diary.

Heard both sides and perused the record alongwith certified copy of order dated 17.01.2026 passed in B.P. No. 3414/2025. As per F.I.R. the petitioner was arrested by the police alongwith a stolen motorcycle. From perusal of the record, it transpires that the prayer for bail of this petitioner was rejected by this Court earlier with observation that the petitioner will be at liberty to renew his prayer for bail after framing of charge. From perusal of Trial Court Record, it transpires that charge u/s 317(5) of B.N.S. was framed against the petitioner by the learned Court below vide order dated 25.02.2026. As per para-3 of the bail petition and para-10 of supplementary case diary, the petitioner has three criminal antecedents.

In the facts of the case and period of custody as well as the fact that regular bail of this petitioner had been rejected by this court on 17.01.2026 vide B.P. No.3414 of 2025 with observation that the petitioner will be at liberty to renew his prayer for bail after framing of charge and now charge was framed against the petitioner vide order dated 25.02.2026. Thus, I am inclined to enlarge the petitioner on bail. Accordingly, the petitioner, namely, **Upendra Sahani** is ordered to be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below in the aforesaid case, subject to further condition that:-

(1) The petitioner shall co-operate in the trial and shall remain physically present on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned Court below.

(Dictated)

Sd/-

Sessions Judge
East Champaran at Motihari
17.03.2026