

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

Present:-

Abhishek K. Das  
Sessions Judge,  
East Champaran at Motihari

### Bail Petition No. 677 of 2026

1. **Rupesh Kumar, aged about 33 years, S/o- Mugal Sah @ Ramendra Prasad.**  
R/o village- Sirni Bajar, P.S. Malahi, District- East Champaran.

-----Petitioner.

Versus

The State of Bihar

----- Opposite party.

Counsel for the Petitioner :- Sri Ankit Kashyap, Advocate.

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

Counsel for the Informant :- Sri Pushpa Priya, Advocate.

**23.03.2026**

This bail petition is filed on behalf of the petitioner, namely, Rupesh Kumar, who is in judicial custody since 20.02.2026 in connection with Malahi P.S. Case No. 27 of 2026 u/ss 103(1) and 3(5) of Bharatiya Nyaya Sanhita, 2023.

**In para-2 of the bail petition, it is mentioned that no other regular or anticipatory bail petition has been filed by the petitioner either in this Court or before Hon'ble Patna High Court. As per para-3 of the bail petition, the petitioner has no criminal antecedent and as per para-4 of the bail petition, the petitioner is in judicial custody since 20.02.2026.**

As per F.I.R., the informant received a phone call from one Rupesh Kumar, who informed him that his son had jumped from a rooftop and called him immediately to Rahmaniya Hospital, Motihari. Some time later, when the informant dialed on that number, Rupesh Kumar called him to Sadar Hospital, Motihari and informed him that his son had died. Upon which the informant reached at Sadar Hospital and found his son's body lying inside a private vehicle bearing registration no. BR22V0851. The informant has claimed that his son was murdered by his in-laws, including the petitioner and other persons named in the F.I.R.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has committed no offence. The deceased was an employee of Central Government. In fact, the deceased was fell down from the roof accidentally and received injury, thereafter, the petitioner informed the deceased's family members and and brought the injured to Motihari, but doctor declared him dead. Meanwhile, the informant and his relatives arrived, hatched up a conspiracy and just to exclude the wife

of deceased from taking benefit of his PF, ex gratia amount and to get employment on the basis of compassionate ground from Railway, lodged this false and fabricated case against the petitioner and others. The entire case is based upon suspicion and nothing else.

The learned Public Prosecutor appearing on behalf of the State and learned counsel appearing on behalf of the informant have opposed the prayer for bail.

Heard both sides and perused the record. From perusal of the record, it appears that the petitioner is named in the F.I.R. with allegation that he alongwith other co-accused persons committed murder of informant's son. Inquest report of the deceased is mentioned in para-2 of the case diary. As per para-3, 4 and 5 of the case diary, the informant in his restatement and the witnesses have supported the prosecution case. As per para-33 and 34 of the case diary, the independent witnesses, who are relative of accused persons, have stated that the deceased died due to fall from the rooftop. As per para-54 and 55 of the case diary, the independent witnesses saw the dead body lying near the house of deceased's father-in-law. As per para-65 of the case diary, containing postmortem report, doctor has found many injuries on the dead body and cause of death is due to vital organ injuries in neck as well as chest associated with intracranial haemorrhage, caused by linear and flat, hard and blunt substance. The investigation is under progress. As per para-3 of the bail petition, the petitioner has no criminal antecedent. Regarding criminal antecedent of the petitioner, nothing has been mentioned in the case diary.

In the facts of the case and keeping in view the nature of allegation, gravity of offence and materials available in the case diary, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of petitioner, namely, **Rupesh Kumar** stands **rejected**.

**Let a copy of this order be communicated to the Superintendent of Police, East Champaran at Motihari to take necessary action against the erring I.O. for non-submission of criminal antecedent report of the accused/petitioner in the case diary.**

(Dictated)

Sd/-  
Sessions Judge  
East Champaran at Motihari  
23.03.2026