

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75920 of 2024

Arising Out of PS. Case No.-351 Year-2023 Thana- DALSINGHSARAI District- Samastipur

Rakesh Kumar @ Raka @ Rakesh Choudhary S/o Sudhir Choudhary @
Sudhir Kumar Chaudhary R/o village - Mathurapur , Police station -
Dalsinghsarai , District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Adv.

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 79 of 2024 arising out of Dalsinghsarai P.S. Case No. 351 of 2023 instituted for the offences under Sections 399, 402, 120B of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act.

3. The allegation against the petitioner is that he along with other accused persons assembled for committing an offence and during course of police raid, he managed to escape from the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case. The name of the petitioner has transpired in this case on the basis of the confessional statement of all the three apprehended co-accused persons namely Shivam Choudhary @ Polaat, Shivam Chaudhary @ Shivu and Piyush Kumar. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner was neither present at the alleged place of occurrence nor was involved in any kind of conspiracy. The petitioner has four criminal antecedents out of which in three of them he is on bail and is languishing in judicial custody since 10.10.2023 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, submitting that the allegation made against the petitioner is serious in nature. The police has filed charge-sheet against the petitioner vide charge-sheet no. 417/2023 and, accordingly, the charge has also been framed under Sections 399, 402 of the I.P.C. and Sections 25(1-B)a, 26, 35 of the Arms Act.

6. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Sessions Trial No. 79 of 2024 arising out of Dalsinghsarai P.S. Case No. 351 of 2023.

(Rudra Prakash Mishra, J)

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