

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3936 of 2025

Arising Out of PS. Case No.-40 Year-2024 Thana- GANGTA District- Munger

Rishav Kumar @ Rahul Kumar Son of Late Manoj Yadav Village -Mathura
PS -Gangta Distt -Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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

ORAL ORDER

3 23-04-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Gangta
P.S. Case No. 40 of 2024 instituted for the offences under
Sections 341, 323, 307, 384, 385, 504, 506/34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. Prosecution case, in short, is that, five accused
persons stormed a worker's room at midnight, fired shots and
threatened them to stop construction work unless extortion was
paid. The accused persons also threatened to shoot company
owner if they resume the work.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.



Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case on the basis of confessional statement of co-accused Sahul Kumar @ Suraj Kumar who was arrested by the police on the basis of suspicion. Learned counsel further submitted that there is a delay of three days in lodging the FIR without any plausible explanation, which in itself, raises doubt over the prosecution story. No incriminating article has been recovered from the conscious possession of the petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 23.09.2024 and has five criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that as per paragraph no. 81 of the case diary, the petitioner has himself confessed his guilt and specifically stated that he fired upon the workers. He further submitted that as per paragraph no. 3 of the present bail application, petitioner has six criminal antecedent. Learned APP, therefore, prays that petitioner may not be released on bail.

6. Considering the aforesaid facts and circumstances of the case, there being ample evidence against the petitioner in the case diary as also large criminal antecedent of the petitioner, this Court is not inclined to grant bail to the petitioner at this



stage.

7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

8. Learned Trial Court is directed to expedite the trial.

9. However, liberty is granted to the petitioner to renew the prayer for grant of bail before the Trial Court if the trial is not concluded within a period of six months from today. If any such application is filed before the learned court below, the court concerned shall consider the same on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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