

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5048 of 2025

Arising Out of PS. Case No.-226 Year-2024 Thana- MADHUBANI TOWN District-
Madhubani

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Raj Kamal Rahul @ Raj Kamal Thakur Son of Ashok Kumar, Resident of
village- Bhawara, Ward No 41, Machhata Chowk, PS- Town, District-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay

For the Opposite Party/s : Mr. Rajiv Nayan

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 19-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Madhubani (Town) P.S. Case No. 226/2024 registered for the
offences punishable under Sections 25(1-b)/A/26 and 35 of the
Arms Act.

3. As per prosecution case, there is alleged recovery
of one country made pistol and five live cartridges from co-
accused Prakash Jha @ Prakash Kumar Jha. It is alleged that
one mobile phone was recovered from each of the three co-
accused namely Prakash Kumar, Raju Kumar Prasad and Ranjan
Kumar Jha. It is further alleged that total four persons were
apprehended on the spot and apprehended co-accused disclosed



the name of petitioner who is said to have supplied the arms and ammunition for killing Dhiraj Kumar Sah.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 10.07.2024 and bears criminal antecedent of one case. He further submits that petitioner is not apprehended on the spot and no arms and ammunition has been recovered from the conscious possession of the petitioner. Except disclosure of apprehended co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Though, one pistol including five live cartridges have been recovered from co-accused Prakash Jha, who has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.82182/2024 and the case of present petitioner stands on better footing as nothing has been recovered from the conscious possession of the petitioner. Similarly, co-accused Prakash Kumar has also been granted bail by the co-ordinate Bench of this Court vide Cr. Misc.80367/2024.

5. The learned A.P.P. for the State vehemently



opposed the prayer for bail of the petitioner and submits that four co-accused persons were apprehended on the spot and they disclosed that arms and ammunition were supplied by the petitioner for killing Dhiraj Kumar Sah.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and co-accused persons have already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Madhubani (Town) P.S. Case No. 226/2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for



cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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