

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7437 of 2025

Arising Out of PS. Case No.-698 Year-2019 Thana- MAHUA District- Vaishali

Rahul Kumar S/O Vijay Ray @ Vikarm Rai R/O Vill.- Sadapur Dasrat Chok,
P.S.- Mahua, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate

For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

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

ORAL ORDER

3 11-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 664 of 2024, arising out of Mahua P.S. Case No. 698 of 2019 instituted for the offence under Section 395 & 397 of the Indian Penal Code. Earlier vide order dated 31-07-2024, passed in Cr. Misc. No. 37714 of 2024, prayer for bail of the petitioner was rejected by this Court.

3. Prosecution case in short is that when the informant was returning back in his Tata Ace vehicle loaded with several articles, he was accosted with six miscreants. It is alleged that one of the miscreants has fired upon the informant, but the bullet hit on the side mirror of the vehicle. It is further alleged



that Rs. 90,000/- and articles worth Rs. 20,000/- along with several documents of the informant was looted by the miscreants.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 05-10-2023. Petitioner bears eight criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR and his name has transpired on the basis of confessional statement of co-accused, namely, Manish Kumar Sahni. Learned counsel for the petitioner mainly submits that there is no likelihood of the trial being concluded in the near future.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Other witnesses have supported the prosecution case.

7. A report from the trial court was called for and it is reported that case is pending for appearance and it is further reported that trial is likely to be concluded within a period of six to nine months.

8. Considering the aforesaid facts and circumstances



of the case, period of custody of the petitioner and specifically taking into account the fact that there is no likelihood of the trial being concluded in the near future, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, *after framing of charge, if not already framed*, 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. 664 of 2024, arising out of Mahua P.S. Case No. 698 of 2019, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) The petitioner shall not leave the territorial jurisdiction of the court below without prior permission of the court below.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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