

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11897 of 2025**

Arising Out of PS. Case No.-216 Year-2024 Thana- HASPURA District- Aurangabad

Rakesh Kumar @ Bhola Son of Sri Surendra Prasad R/v- Itawan, P.S.- Hashpura, Distt.- Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sharda Kumari, APP

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

ORAL ORDER

4      12-05-2025                      Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Hashpura P.S. Case No. 216 of 2024 instituted for the offences under Sections 126(2), 115(2), 117(2), 109, 103(1), 74, 3(5) of the BNS.

3. Prosecution case, in short, is that when the informant was having some heated arguments with her husband, in the meantime, the petitioner along with his wife came and took away her husband and assaulted him with iron rod due to which he sustained injuries and ultimately died.

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



Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. Learned counsel further submitted that during course of investigation, police seized gamchha of the deceased containing blood and the FSL officer also found blood stains from the bedroom of the deceased and also from the road, i.e. the alleged place of occurrence. Learned counsel, therefore, contended that from perusal of the FIR, there is no description of assault made in the bedroom of the deceased which casts doubt on the story set by the prosecution. It has been submitted on behalf of the petitioner that the petitioner is in custody since 08.08.2024 and has no criminal antecedent.

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 from perusal of the FIR itself, it is evident that there is specific allegation against the petitioner that he assaulted the deceased by means of iron rod and as a result of which he died and the said fact is also corroborated by the post-mortem report of the deceased and, therefore, the petitioner does not deserve to be released on bail.

6. Considering the aforesaid facts and circumstances of the case as also there being direct and specific allegation



against the petitioner substantiated by the post-mortem report of the deceased, 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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