

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25438 of 2025

Arising Out of PS. Case No.-511 Year-2024 Thana- ALAMGANJ District- Patna

Rakesh Kumar @ Rakesh S/O Ram Pravesh Prasad R/O Malia Mahadev
Mandir Maharajganj, Gulzarbagh, Dist.- Patna- 800007

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shruti Sinha, Advocate

For the State : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-06-2025 Heard Ms. Shruti Sinha, learned counsel for the

petitioner as well as Mr. Gauri Shankar Gupta, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Alamganj P.S. Case No. 511 of 2024, F.I.R.
dated 23.06.2024 for the offences punishable under Sections
302/ 120B/ 34 of the IPC and 27 of the Arms Act.

3. According to prosecution case, two persons
came on motorcycle and fired upon the husband of the
informant. He was taken to the NMCH where he was declared
dead.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. She further submits that the allegation as alleged in



the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. She further submits that the informant who happen to be the wife of the deceased has lodged the present FIR. On perusal of the FIR, it appears that on the basis of suspicion, name of the petitioner has been implicated in this case. Similarly situated co-accused persons namely, Shishir Kumar has been granted anticipatory bail vide order dated 01.10.2024 in Cr. Misc. No. 60773 of 2024, D.M. Pappu has been granted anticipatory bail vide order dated 05.03.2025 in Cr. Misc. No. 4344 of 2025, Vikash Kumar, Manish Kumar and Ritesh Kumar have been granted anticipatory bail vide order dated 28.02.2025 in Cr. Misc. No. 9067 of 2025, Cr. Misc. No. 5502 of 2025 and Cr. Misc. No. 6317 of 2025 respectively. All the above named co-accused have been granted bail by a co-ordinate Bench of this Court and the case of the petitioner is based on similar footing. Except suspicion, no other material has come during investigation which suggest the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one criminal antecedent other



than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances that except suspicion, no other material has come during investigation which suggest the involvement of the petitioner in the present occurrence and similarly situated co-accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Patna City in connection with Alamganj P.S. Case No. 511 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

priyanka/-

U		T	
---	--	---	--

