

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27707 of 2025

Arising Out of PS. Case No.-382 Year-2024 Thana- SHERGHATI District- Gaya

Rahul Kumar Das @ Rahul Kumar S/o Surendra Kumar Das @ Sahendra
Kumar Das R/o Village- Datmi, P.S.- Hunterganj, Distt.- Chatra (Jharkhand).
... .. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate
For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 22-08-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with
Sherghati P.S. Case No. 382 of 2024 registered for the offences
under Sections 309(6) of the Bhartiya Nyay Sanhita, 2023 (in
short, the 'B.N.S.').

3. The petitioner is not named in the First Information
Report and is in custody since 05.12.2024.

4. As per FIR, some unknown persons opened fire upon
employee of the informant while he was dealing with official
business and also looted cash of Rs. 42,000/-. It is alleged that
miscreants, who were three in numbers, arrived at the place of
occurrence on 25.07.2024 at about 11:15 a.m. through white
colour Apache motorcycle bearing Registration No. BR02BR-1096.

5. It is submitted by learned counsel appearing on behalf



of the petitioner that name of the petitioner transpired in the present case out of his self-confession where he was apprehended without no cogent material. It is submitted that in furtherance of said self-confession, no incriminating material appears recovered/surfaced during course of investigation. It is pointed out that as petitioner found involved in 19 more criminal cases, which is one of the reason for suspicion *qua* petitioner to involve in the present case. It is submitted that in maximum of cases he is on bail, where his name transpires either on confession or self confession, like present case. It is submitted that motorcycle in issue is registered in the name of wife of co-accused, which was seized in Sherghati P.S. Case No. 384/2024, having no bearing in the present case.

6. It is further submitted that if the merit of case otherwise appears in favour of petitioner, merely on the ground of criminal antecedents, bail of petitioner ordinarily should not be denied. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of U.P. and Another** reported in **(2020) 11 SCC 648**.

7. While concluding argument, it is submitted that investigation of this case is already completed, charge-sheet has



been submitted and as such, there is no chance of tampering with the evidence.

8. Learned A.P.P. opposed the prayer of bail.

9. Considering the facts and circumstances as mentioned above and by taking note of the fact as *prima facie* implication of petitioner appears only on suspicion arising out of his self-confession and criminal antecedents, coupled with the fact that petitioner remains in custody since 05.12.2024, where investigation of this case is already completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Sherghati, Gaya, in connection with Sherghati P.S. Case No. 382 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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