

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36481 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- JALALPUR District- Saran

Rahul Kumar @ Mom S/o Late Shiv Pujan Rawat R/o Village- Majhwaliya,
P.S.- Baniyapur, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-08-2025 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of regular bail to the petitioner who is in custody in connection with Jalalpur P.S. Case No. 39 of 2025, lodged on 01.03.2025, under Sections 103(1)/238 of the Bhartiya Nyay Sanhita, 2023 and under Section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against unknown, but at subsequent stage name of petitioner has figured in this case by virtue of his involvement with other co-accused Pappu Sipahi @ Sanjeev Singh in commission of the crime.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that from the content of the FIR it becomes crystal clear that FIR has been lodged against unknown and name of this petitioner has come by virtue of confessional statement of co-accused Jitendra Raut, who is the maternal uncle of one Muskan with whom one of the deceased was in affair. Counsel submits that the name of different persons have figured in this case and name of petitioner has figured only due to the reason that he is well known to co-accused Pappu Sipahi @ Sanjeev Singh against whom there are 13 criminal antecedents. Counsel submits that even in the confessional statement there is no act or overt-act against the present petitioner. He submits that he is in custody since 02.03.2025.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that though FIR has been lodged against unknown but name of the petitioner has figured in this case by virtue of confessional statement.

6. In the light of the submissions made, particularly from the case-diary it transpires that there is no allegation of any act or overt-act against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of



Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, Chapra, Saran, in connection with Jalalpur P.S. Case No. 39 of 2025, subject to the conditions as laid down U/s 480(3) of the BNSS, 2023.

(Dr. Anshuman, J)

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