

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37971 of 2025

Arising Out of PS. Case No.-103 Year-2024 Thana- BIHRA District- Saharsa

Rakesh Ku Sah @ Rakesh Kumar Sah @ Rakesh Sah Raka S/O Shyam Sah
R/O Village- Tulsiahi, Ward No. 03, P.S- Bihra, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Adv.

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

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

ORAL ORDER

2 23-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bihra
P.S. Case No. 103 of 2024 instituted for the offences under
Section 392 of the Indian Penal Code.

3. As per prosecution case, while the Informant along
with his daughter going to his house on motorcycle, three
unknown youths surrounded them and snatched Oppo Mobile
with SIM, cash amount of Rs. 2,000/- kept in the purse as also
Aadhar Card on the point of pistol.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



The petitioner has not committed any offence as alleged in the F.I.R. The petitioner is not named in the F.I.R. and his name has transpired in this case in course of investigation on the basis of the confessional statement of the co-accused Satyam Kumar @ Satya recorded before the police which has no evidentiary value in the eye of law. Except confessional statement, there is nothing adverse against the petitioner. He further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner. No T.I.P has been conducted as yet. The petitioner has eleven criminal antecedents and is languishing in judicial custody since 22.10.2024 without any rhymes or reason. The Investigating Officer, after completion of investigation, has submitted charge-sheet has been submitted under Sections 392 and 411 of the I.P.C.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The petitioner has altogether eleven criminal antecedents and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case



and the period of custody of the petitioner, let the petitioner, abovenamed, 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 Bihra P.S. Case No. 103 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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