

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46391 of 2025

Arising Out of PS. Case No.-187 Year-2014 Thana- AURAI District- Muzaffarpur

Rahul Kumar, Son of Jagnnath Rai, Resident Of Village -Chakki Rampur,
Ward No 06, Ps -Rampurhari, District -Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sagar Kumar, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 04-11-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Aurai P.S. Case No. 187 of 2014, registered for the
offences punishable under Sections 147, 148, 149, 447, 386, 307
and 120B of the Indian Penal Code.

3. Allegedly on the fateful day, five persons came on
two motorcycles and one person sitting in between the rider and
the pillion rider fired upon the informant, which hit on his
armpit. While the accused person were fleeing away, they again
resorted firing which caused injury to one boy. There is an
allegation of demand of extortion and due to non-fulfillment of
extortion money, firing was made.



4. Learned Advocate appearing on behalf of the petitioner submitted that the petitioner is not named in the FIR and initially in course of investigation, the first chargesheet bearing no. 154 of 2014 was submitted on 30.11.2014 against Birendra Sahani @ Anna and non FIR accused Pankaj Patel. Subsequent thereto, second chargesheet bearing no. 376 of 2016 was submitted against non FIR accused Sarvesh Das, Kailash Bhagat and Rajan Kumar, however, till date, the investigation is going on and no process has been served upon the petitioner. The name of the petitioner has transpired on the confessional statement of co-accused Pankaj Patel; however, besides the aforesaid fact there is no material. Nonetheless, any chargesheet has been submitted even showing as an absconder. It is also submitted that no process under Section 82 and 83 has been issued despite the fact the investigation is continuing since 2014. The petitioner bears fair antecedent.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that the name of the petitioner was surfaced long back in the year 2014 and after such a delay, the petitioner has approached this Court for extraordinary relief of pre-arrest bail.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that investigation is yet going on against the petitioners and others and till date, no material has been collected against the petitioner, resultantly no chargesheet till date, coupled with the fact the petitioner is neither named in the FIR nor he is having any criminal antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 14th Additional Sessions Judge in connection with Aurai P.S. Case No. 187 of 2014, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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