

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53021 of 2025

Arising Out of PS. Case No.-253 Year-2022 Thana- BAIKUNTHPUR District- Gopalganj

Rakesh Kumar, S/o- Sudhish Ray, Resident of village- Diliya Chatti, PS-
Keshariya, Distt-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Srivastva, Advocate
For the State : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Baikunthpur P.S. Case No. 253 of 2022 dated 24.08.2022, registered for the offences punishable under Sections 399 and 402 of Indian Penal Code and Sections 25(1-B)a, 26-1 and 35 of Arms Act.

3. As per the FIR, 8-9 persons were found to be talking by the police and after seeing the police, they started fleeing away. Four of them were, however, apprehended and rest persons were fled away and one country made pistol was also recovered from them. As per the confessional statement of co-accused, the petitioner was one of the persons who was present there and was successful in fleeing away.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the whole case is based only on suspicion and confessional statement of co-accused which has no evidentiary value. He further submits that the petitioner is 25 years of age.

5. He further submits that the petitioner has been languishing in jail since 21.12.2024.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has two criminal antecedents.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below in connection with Baikunthpur P.S. Case No. 253 of 2022 on the following conditions:



(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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