

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58829 of 2025

Arising Out of PS. Case No.-96 Year-2025 Thana- MALAHI District- East Champaran

Rahul Sharma @ Rahul Kumar S/o Shambhu Sharma @ Shambhu Sharan
Prasad R/o Village- Gahiri, P.S.- Nautan, District- West Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Majid Mahboob Khan, Adv.

For the Opposite Party/s : Mr.Mohammed Arif, APP

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

ORAL ORDER

3 24-09-2025 Heard learned counsel for the petitioner and learned APP

for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Malahi
P.S. Case No. 96 of 2025 instituted for the offence under Section
309(4) of the Bharatiya Nyaya Sanhita, 2023.

3. The informant alleged that on 17.03.2025, while
returning home, he was intercepted by three unknown
miscreants. They looted Rs. 64,540/- and his mobile phone.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 22.03.2025 and bears four
criminal antecedents.

5. It has been further submitted by the petitioner's
counsel that petitioner has been falsely implicated in the present



case. Petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement of co-accused, namely, Jagdish Sahani recorded before the police which has got no evidentiary value in the eye of law. Petitioner is remanded in this case from Malahi PS Case No. 102 of 2025. Nothing has been recovered from the conscious possession of the petitioner. Petitioner was not even put on T.I.P. Charge sheet has already been submitted in this case. He further submits that the co-accused persons Satendra Tiwari and Jagdish Sahani have already been granted bail by this Court vide orders both dated 11.09.2025 passed in Cr. Misc. Nos. 61284 of 2025 and 59371 of 2025 respectively.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, manner of petitioner's implication and the prayer for bail being based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court



in connection with Malahi P.S. Case No. 96 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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