

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61956 of 2025

Arising Out of PS. Case No.-630 Year-2024 Thana- SAKRA District- Muzaffarpur

Rahul Kumar S/o Bhola Singh R/o Village- Sarmastpur, P.S.- Sakra, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the State : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-09-2025 Heard Mr. Shashank Shekhar, learned counsel for the
petitioner as well as Ms. Asha Devi, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Sakra P.S. Case No. 630 of 2024 dated 16.12.2024
for the offences punishable under Sections 115, 126(2), 118(1),
117, 109, 3(5) of the BNS.

3. According to prosecution case, all the FIR named
accused persons including this petitioner came variously armed
and assaulted the informant and his wife due to which they
sustained injuries.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He fairly submits that although, the petitioner is



named in the FIR but from a bare perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner. The specific allegation of firing has been attributed against the co-accused persons, namely, Man Mohan Kumar and Raja Kumar. It appears from the FIR itself that due to some land dispute, the present occurrence has taken place and there is case and counter case between the parties. It also appears from the FIR that the date of occurrence as alleged in the FIR is 30.11.2024 but the present FIR has been instituted on 16.12.2024 i.e. after delay of 16 days, afterthought, only to falsely implicate the petitioner in the present case. It is further submitted that similarly situated co-accused person, namely, Nilam Devi has been granted privilege of anticipatory bail by a co-ordinate Bench of this Hon'ble Court vide order dated 14.08.2025 passed in Cr. Misc. No. 29838 of 2025.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the FIR and apart from that he has got three cases other than the present one.

6. Considering the aforesaid facts and circumstances, there is no specific allegation of any assault or overt act against the petitioner, the present FIR has been instituted after delay of 16 days, there is case and counter case between the parties and



similarly situated co-accused person has been granted privilege of anticipatory bail by a co-ordinate Bench of this Hon'ble Court, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-15, Muzaffarpur in connection with Sakra P.S. Case No. 630 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 and with other following conditions:-

i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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