

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67695 of 2025

Arising Out of PS. Case No.-172 Year-2025 Thana- BASOPATTI District- Madhubani

Rakesh Kumar Sah @ Rakesh Sah @ Rakesh Kumar Son of Kusheshwar Sah
@ Kushe Sah @ Kusheswar Sahu Resident of village - Duhabi Bazar, P.S.-
Basopatti, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kr. Thakur, Adv
	:	Mrs. Vaishnavi Singh, Adv
	:	Mr. Ritwik Thakur, Adv
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 03-12-2025 Heard the parties.

2. The petitioner seeks bail in connection with Basopatti

P.S. Case No. 172 of 2025 registered for the offence under
Sections 191(1), 191(2), 190, 126(2), 115(2), 118(1), 109,
303(2), 132, 121(1), 121(2), 352 and 351(2) of the BNS and
Section 27 of the Arms Act.

3. The petitioner is named in the F.I.R. and is in custody
since 24.07.2025.

4. As per FIR, allegation against the petitioner is to
instigate a mob which found engaged in assaulting police and SSB
personnel posted at Indo-Nepal border, when one of the co-
accused namely Bharat Paswan forcibly made an attempt to cross
the Indo-Nepal border without checking his sack.



5. Mr. Ajay Kr. Thakur, learned counsel appearing on behalf of the petitioner submitted that this petitioner was not involved in actual occurrence of assault. It is also pointed out that this person was also not present at the place of occurrence as he was not visible in CCTV footage and appears implicated with the present case out of suspicion and further the person who was found instigating and was also noticed in CCTV was granted anticipatory bail by learned Co-ordinate Bench of this Court through Cr. Misc. No. 74796 of 2025 dated 24.11.2025. It is pointed out that merely on the basis of suspicion petitioner implicated with the present case. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact as save and except suspicion prima-facie nothing incriminating appears against this petitioner, as to connect him with the present crime in question, where he was admittedly not visible in CCTV footage, negating his presence at the place of occurrence, coupled with the fact as investigation of this case



already completed where petitioner remains in custody since 24.07.2025, accordingly petitioner above named, is directed to be released on bail in connection with Basopatti P.S. Case No. 172 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Madhubani/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

