

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80168 of 2025

Arising Out of PS. Case No.-226 Year-2025 Thana- PARBATTa District- Khagaria

Rakesh Kumar Son of Pramod Kumar Resident of village -Navgachhia PS
-Bihpur Dist -Naugachia, Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarjeet Prabhakar, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Parbatta P.S. Case No. 226 of 2025 registered for the alleged offences under Sections 132, 109(1), 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 25(1-b)a, 26, 35, 27 of the Arms Act.

03. As per prosecution case, police received information about notorious criminal Guddu Singh coming to his house along his two associates on a Pulsar motorcycle. A raid was conducted but the miscreants fled away on their motorcycle. The police gave a chase and the miscreants opened fire on the police party. The police team retaliated and surrounded the area. The petitioner and co-accused Sentu



Kumar were apprehended and co-accused Guddu Singh fled away taking advantage of bush and darkness. From this petitioner, recovery of a country made *katta* and two live cartridges was made apart from a mobile phone. Recovery of a loaded country made *katta* and three mobile phones was made from the co-accused, Sentu Kumar.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner. There is no signature of the petitioner on the seizure list and the witnesses are the police officials. The petitioner had gone to the place of occurrence for ascertaining the rate of bricks and some altercation took place in which he was apprehended showing false recovery. There is no material on record to show that the petitioner committed any offence of attempt to murder or prevented the police party from discharging their duties. The petitioner is having clean antecedent. The petitioner is in custody since 21.06.2025 and charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Khagaria/court concerned in connection with Parbatta P.S. Case No. 226 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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