

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75466 of 2025

Arising Out of PS. Case No.-351 Year-2025 Thana- SHERGHATI District- Gaya

Rafakat Hussain Son of Late Natthuddin R/o Village - Kopakirapali,
Thandanala, Gularbhoj, P.S. - Gadarpur, Dist. - Udham Singh
Nagar(Uttarakhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Ejaz Akhtar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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

ORAL ORDER

2 10-11-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Sherghati P.S. Case No. 351 of 2025 instituted for the offence
under Sections 316(2), 318(4), 303(2) & 3(5) of the Bharatiya
Nyaya Sanhita, 2023.

3. The prosecution case, is that, on 07.08.2025, three
persons deceived informant at Sherghati by asking her to place
her ornaments, mobile, and cash in a bag for a ritual, then fled
on a motorcycle. The public chased and caught petitioner along
with the motorcycle

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 08.08.2025. Petitioner



bears three criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Nothing has been recovered from the conscious possession of the petitioner. So far as recovery of motorcycle is concerned, the same is registered in the name of the petitioner. Petitioner was merely selling stones for his livelihood and he has become the victim of the circumstance. There is no compliance of Section 103 of the BNSS, 2023.

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 and manner of petitioner's implication, 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 Sherghati P.S. Case No. 351 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)

Raj Kishore/-

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