

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82845 of 2025

Arising Out of PS. Case No.-138 Year-2025 Thana- HARLAKHI District- Madhubani

Rakesh Yadav @ Rakesh Kumar S/o Late Lakshmeshwar Yadav Resident of
village - Baluaha, P.S - Harlakhi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah

For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 08-12-2025 1-By means of this bail application, petitioner, who is involved in connection with Harlakhi P.S. Case No. 138 of 2025, registered for the offences punishable under Sections 310(4), 310(5) of the BNS and Sections 25(1-B),(a), 26, 35 of the Arms Act seeks enlargement on bail during the pendency of trial.

2-Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

3-It is argued by learned counsel for the petitioner, that the petitioner is innocent and he has been falsely implicated in this case by showing a false recovery of one country-made pistol loaded with one live cartridge whereas no such recovery has been made as alleged by the prosecution. Much emphasis has been given by contending that video recording of the said



recovery has not been done by the police as such, there is clear violation of Section 105 of the BNSS. The petitioner has criminal history of two cases, in which he is on bail. Lastly, it is submitted that petitioner is languishing in jail since 27.05.2025 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

4-Per contra, learned Additional Public Prosecutor for the State opposed the prayer for bail of the petitioner reiterating the prosecution case as mentioned in F.I.R.

5-Having heard the submissions of learned counsel for the parties and perused the record, I find that it is not in dispute that provisions of Section 105 of BNSS has not been complied with by the prosecution. Investigation has been completed and charge-sheet has been submitted against the petitioner. Now there is no possibility of tampering the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.



6-In view of the above, without entering into merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties and reasons as noted above, this Court is of the opinion that the petitioner is liable to be released on bail.

7-Accordingly, the bail application of the petitioner stands allowed.

8-Let the petitioner-Rakesh Yadav, be released on bail in the aforesaid case on furnishing a personal bond of Rs. 10,000/- (Rupees Ten Thousand) and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) That the petitioner shall cooperate in the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That the petitioner shall not directly or indirectly involve in any criminal activity.

9-In case of breach of above conditions by the petitioner, it will be open for the prosecution to move bail cancellation application before the Court concerned.

10-It is clarified that anything said in this order is



limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

11-The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

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