

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.89157 of 2024**

Arising Out of PS. Case No.-156 Year-2024 Thana- Patarghat District- Saharsa

Rakesh Kumar @ Rakesh Yadav S/o- Devendra Prasad Yadav @ Bugolal  
Yadav Village- Kariyath W.No-11, Ps- Patarghat Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Anita Kumari

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA  
ORAL ORDER**

3      04-04-2025                      Heard learned Counsel for the petitioner, learned  
counsel for the informant and learned Additional Public  
Prosecutor for the State.

2. The petitioner makes a prayer for bail in connection  
with Patarghat P.S. Case No.156 of 2024 for offences under  
Sections 126(2), 115, 103(1), 61, 354, 351(2), 3(5) of the B.N.S.  
and Sections 25(1-B)A, 26 and 27 of the Arms Act.

3. A perusal of the First Information Report would  
disclose that on 01.08.2024, one Rakesh Yadav had called the  
husband of the informant, Madan Yadav from his house and  
subsequently, one Ashok Yadav was overheard talking over  
phone that Madan Yadav, who had gone along with Rakesh  
Yadav, had to be shot dead. After hearing this, the informant ran  
to look for her husband and after going at some distance, she saw  
that 7 accused persons, not being this petitioner, were armed with



pistols and remaining accused persons, 8-22, were all carrying sticks and lathis in their hands and they were beating her husband with the intention to kill him.

4. Learned counsel for the petitioner submits that he is not one amongst the 7 persons upon whom the allegation is that of opening fire upon the deceased. His name figures in the initial portion of the First Information Report as the person who had called the deceased from his home. However, the learned counsel for the petitioner also submits that there is a direct and specific allegation of assault upon as many as 22 persons in the First Information Report and the petitioner is not one amongst them.

5. Learned counsel for the State and learned counsel for the Informant, however, opposes the prayer for bail, stating that this petitioner was the one who had called the deceased from his house and that he has one criminal antecedent, however, to which learned counsel for the petitioner has responded by saying that barring allegation of calling the deceased from his home, there is no allegation whatsoever of any kind of assault upon the deceased and he is on bail in the case earlier registered against him.

6. Considering the allegations and that the petitioner



has remained in custody since 03.08.2024, the petitioner is enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned C.J.M., Saharsa, in connection with Patarghat P.S. Case No.156 of 2024, subject to the following conditions:

- (i) the petitioner shall co-operate in the investigation/trial.
- (ii) the learned Court would, however, verify the criminal antecedent of the petitioner before releasing him on bail.

(Soni Shrivastava, J)

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