

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90174 of 2024

Arising Out of PS. Case No.-304 Year-2024 Thana- BAKHARI District- Begusarai

Rakesh Sah @ Rakesh Kumar Son of Naresh Sah Resident of Village-
Gadhpura (Garhpura), Ward no.- 15, P.S.- Gadhpura (Garhpura), District-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv
Mr. Sandip Kumar Gautam, Adv
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 19-06-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks regular bail in a case registered
for the offences punishable under Sections 352, 351(3), 109 and
3(5) of the B.N.S. and under Section 27 of the Arms Act.

3. As per the prosecution case, on 02.08.2024 at about
6:00 A.M., the son of the informant was standing near a shop. In
the meantime, three miscreants came near his son, namely, Md.
Mumtaz and one of them fired upon him causing injury on his
left shoulder. It is further alleged that around 2-3 days ago a
threatening was given by the petitioner on the mobile phone of
Md. Mumtaz and thereafter the said incident occurred.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that there is no eye witness to the said occurrence and the allegation against the petitioner is general and omnibus in nature. It is next submitted that admittedly the injury of his son was caused on his left shoulder which is a non-vital part of the body. It is lastly submitted that the petitioner has five criminal antecedents and is in custody since 04.09.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail and has stated that the petitioner had fired upon the son of the informant with the intention to kill him, hence, he does not deserve the liberty of bail.

6. Considering the aforesaid submissions of the parties and also considering the period of custody, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Begusarai, in connection with Bakhri P.S. Case No. 304 of 2024, subject to the following conditions:-

(i) One of the bailors will be close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two



consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. The application stands allowed.

(Sourendra Pandey, J)

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