

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10069 of 2026

Arising Out of PS. Case No.-327 Year-2025 Thana- Kavaiya District- Lakhisarai

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Rahul Kumar @ Golu @ Rahul Kumar Modi Son of Sanjay Modi R/o
Mohalla - Kiul Basti, Ward No-20, Naya Bazar, P.S.- Kabaiya, District -
Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shailesh Anand, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-04-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
04.09.2025 in connection with Kabaiya P.S. Case No. 327 of
2025 for the offences punishable under Sections 140(3), 103(1)
and 238 of BNS.

3. The prosecution story, in brief, is that the son of
informant namely Sikander Kumar has not returned home since
25-08-2025. It is next alleged that when they tried to reach his
mobile number which is 7632843079, is also switched off as
such the informant is frightened that some mishap has taken
place with his son.

4. Learned counsel for the petitioner submits that the



petitioner is not named in the FIR and the name of the petitioner has transpired during the course of investigation on the basis of confessional statement of co-accused person namely, Anup Kumar. Apart from that the co-accused persons namely Satish Kumar, Raju Kumar, Mohit Kumar @ Mohit Thakur and petitioner have confessed their guilt in the present occurrence. Learned counsel for the petitioner submits that except the confessional statement of co-accused person, no cogent material has come during the course of investigation to suggest the involvement of the petitioner in the present occurrence and the co-accused person namely Anup Kumar who has confessed the name of the petitioner has been granted bail vide order dated 01.04.2026 passed in Cr. Misc. No. 20114 of 2026 by a Coordinate Bench of this Court, another co-accused person namely Satish Kumar has been granted bail vide order dated 01.04.2026 passed in Cr. Misc. No. 2773 of 2026 by a Coordinate Bench of this Court and co-accused persons namely Raju Kumar and Mohit Kumar have been granted bail vide order dated 19.03.2026 passed in Cr. Misc. No. 4636 of 2026 by a Coordinate Bench of this Court and police after investigation has submitted charge-sheet and the petitioner is in custody since 04.09.2025.



5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has confessed his guilt. Apart from that, the petitioner has antecedent of one case other than the present case but fairly submits that petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai or its successor Court in connection with Kabaiya P.S. Case No. 327 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be canceled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the 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.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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