

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37891 of 2026

Arising Out of PS. Case No.-290 Year-2024 Thana- MADHUBAN District- East Champaran

Rakesh Sahani @ Rakesh Kumar Sahani S/o Vishwanath Sahani Resident of
Village - Kansh Pakri, P.S.- Madhuban, District - East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-07-2026 Heard Mr.Karandeep Kumar, learned counsel for the

petitioner and Mr.Jagdhar Prasad, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Madhuban P.S. Case No. 290 of 2024, F.I.R. dated 15.07.2024 for the offences punishable under Sections 238 and 3(5) of the Bhartiya Nyaya Sanhita and Sections 25(9), 27 of Arms Act and after amalgamation Sections are also converted under Sections 238,103,61 of BNS and Sections 25(1B)(a),26,27,25(9) of Arms Act.

3. According to prosecution case, all the accused persons named in the FIR in a drunken state started firing in the air in a marriage ceremony where one bullet got hit to Lucky Kumar who sustained injury and during course of his treatment,



he died.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation. Further submits that for the same set of allegation another FIR i.e. Madhuban P.S.Case No. 294 of 2024 was instituted in which the petitioner is named in the FIR and he has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 07.05.2026 passed in Cr. Misc. No.17435 of 2026. Learned counsel for the petitioner submits that for the same set of allegation, the present FIR has been instituted in which the petitioner is seeking anticipatory bail.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, for the same set of allegation, two FIRs have been instituted, in another FIR, the petitioner has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court as mentioned in the



aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned Judicial Magistrate, First Class, East Champaran in connection with Madhuban P.S. Case No. 290 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled 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/her 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)

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