

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40536 of 2026

Arising Out of PS. Case No.-78 Year-2025 Thana- MALSALAMI District- Patna

Rahul Kumar, S/o Ram Ekwil Singh R/o Vill- Marchi, P.S.- Bypass, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan- Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 09-07-2026 1. Heard learned counsel for the petitioner and learned APP for the State.
2. The S.H.O.-cum-Investigating Officer of the case, in compliance of the order dated 02.07.2026, is present in the Court.
3. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 127(2), 109, 61(2) and 3(5) of the B.N.S. and Section 27 of the Arms Act.
4. The learned counsel for the petitioner submits that the petitioner has antecedent of two cases and the informant alleges that on 08.02.2025, he was coming back home after dropping the children to school when three unknown accused persons on a motorcycle came and fired on account of which, he



suffered injury on shoulder and stomach. It is next alleged that he is having land dispute with his agnates namely Vijay Kumar, Rahul Kumar (petitioner) and Jully Kumar. Further, decree with respect to the land was made in favour of his grandfather, hence Vijay got his cousin brother killed. Further, three months before his uncle was killed by Puttu and others and few months back firing was done at his cousin brother Satyendra, who got injured but was saved, thus alleges that his aforesaid agnates got the occurrence committed.

5. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that informant alleges that three unknown accused fired at him causing injury on his shoulder and stomach. It is further submitted that shooter Rajan was apprehended and his statement was recorded but he did not disclose the name of the petitioner. It is also submitted that even Vijay was arrested and his confessional statement was recorded at Para-122 of the case diary wherein he confessed about getting the offence committed, but then does not even remotely suggests about involvement of the petitioner. It is next submitted that petitioner being own brother of Vijay came to be implicated.



6. On query of the Court from the S.H.O.-cum-Investigating Officer of the case that as to what material transpired during the course of investigation connecting the petitioner with the offence, the S.H.O.-cum-Investigating Officer of the case fairly submits after perusing the case diary that till date, no material has surfaced connecting the petitioner with the offence.

7. At this stage, the learned A.P.P. Sri Chandra Bhushan Prasad submits that if privilege of anticipatory bail is granted, the petitioner may abscond, on which the learned counsel appearing on behalf of the petitioner submits that if privilege of anticipatory bail is granted, the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor Court in connection with Malsalami P. S.



Case No.78 of 2025, subject to the conditions laid down under
Section 482(2) of the B.N.S.S.

9. The application stands allowed.

10. However, it is made clear that in the event, if
any application is filed by the Investigating Officer before the
learned trial Court bringing to its notice that petitioner, despite
giving assurance to this Court, is not cooperating in the
investigation or is not presenting himself as and when required,
the learned trial Court shall be at liberty to cancel the bail bonds
of the petitioner after recording reasons.

11. Let a copy of this order be sent to the concerned
Police Station through the learned trial Court.

12. The personal appearance of the S.H.O.-cum-
Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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