

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46076 of 2025

Arising Out of PS. Case No.-306 Year-2023 Thana- UJIYARPUR District- Samastipur

Rahish Kumar S/o- Mahesh Prasad Village- Garai Bigha, P.S- Hilsa, District-
Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Natraj Verma, Advocate

For the Opposite Party : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 10-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the second attempt on behalf of the
petitioner for grant of regular bail in connection with Ujiyarpur
P.S. Case No. 306 of 2023 registered for the offence punishable
under Sections 302, 307, 353, 323/34 of the Indian Penal Code
and Sections 25(1-B)a, 26, 27, 35 of the Arms Act.

3. Earlier, the bail of the petitioner was rejected
by this Court vide order dated 08.05.2024 passed in Criminal
Miscellaneous No.14242 of 2024. The aforesaid order dated
08.05.2024 reads as under:-

*“Heard the learned counsel for the
petitioner and learned APP for the State.*

*2. The petitioner seeks regular bail in a
case registered for the offence under Sections
302, 307, 353, 323/34 of the Indian Penal*



Code and U/S 25(1-B)a, 26, 27, 35 of the Arms Act.

3. As per the prosecution case, police tried to apprehend the criminals who were involved in the cattle theft and in that process, the S.H.O.(deceased) caught hold of one of the accused. Other accused persons tried to free the co-accused who was caught by the S.H.O. and when the S.H.O. did not free the co-accused, one of the co-accused shot the S.H.O. in his eyes and the S.H.O. died.

4. The name of the petitioner has surfaced during investigation that he was a part of a gang of criminals involved in the killing of the S.H.O. He is in jail since 27.09.2023.

6. Considering the serious allegations levelled against the petitioner, I am not inclined to grant bail to the petitioner.

7. Accordingly, this application for regular bail is dismissed.”

4. Learned counsel for the petitioner submits that the petitioner is in custody since 27.09.2023 and some co-accused have been granted bail.

5. From the report of the trial Judge, it appears that out twelve witnesses, five witnesses have been examined in the trial.

6. Considering the gravity of the offence and the fact that the trial is proceeding as also the laid down by the Hon'ble Supreme Court in the case of ***X vs. State of Rajasthan***



& Anr. reported as **2024 SCC OnLine SC 3539**, I am not inclined to review my earlier order dated 08.05.2024. Accordingly, this bail application is dismissed.

7. The Superintendent of Police, Samastipur is directed to ensure the presence of remaining witnesses in the trial.

8. Let a copy of this order be communicated to the Superintendent of Police, Samastipur forthwith through FAX or e-mail for its compliance.

(Sandeep Kumar, J)

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