

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52163 of 2026

Arising Out of PS. Case No.-396 Year-2026 Thana- GARDANIBAG District- Patna

Rahul Kumar Son of Surendra Prasad R/o Near New Jaganpura, Shiv Shakti
Mandir, P.S.- Ram Krishna Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Murari, Adv.

Mr. Alok Kumar, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR
ORAL ORDER

2 29-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Gardanibagh P.S. Case No. 396 of 2026 registered for the alleged offences under Sections 317(2), 317(5), 3(5) of BNS.

3. As per prosecution case, the petitioner and two other co-accused persons were apprehended from a stolen four wheeler which was intercepted on the basis of secret information. The mobile phones were also recovered from the petitioner and other co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner is merely a passenger and was having no knowledge about the vehicle being stolen. Nothing incriminating has been recovered from the person or possession of the petitioner. The mobile phone seized from the petitioner belongs to the petitioner. Learned counsel further submits that the mandatory provisions of law have not been followed and there is non-compliance of Section 103(4) of BNSS apart from other procedures. The co-accused namely, Sikki Kumar @ Aryan Kumar has been granted bail by the co-ordinate bench of this Court vide order dated 22.07.2026 in Cr. Msc. No. 48245 of 2026 and the case of the petitioner stands on similar footing to that of the co-accused. The police after investigation has already submitted chargesheet. The petitioner is having antecedent of two cases but those cases arises out of Bihar Prohibition and Excise Act. The petitioner is in custody since 09.05.2026. Therefore, the petitioner deserves the privilege of regular bail.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is having antecedent of two cases.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and submission of charge



sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Patna /concerned Court in connection with Gardanibagh P.S. Case No. 396 of 2026, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

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

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Girijish Kumar, J)

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