

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62090 of 2025

Arising Out of PS. Case No.-31 Year-2024 Thana- FALKA District- Katihar

Rakesh Kumar Yadav @ Rakesh Yadav S/o- Tejnarayan Yadav R/o Village-
Bhangha, P.S. Pothia District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

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

2. The petitioner seeks bail in connection with Falka
(Pothia) P.S. Case No. 31 of 2024, instituted for the offences
punishable under Section 394 of the Indian Penal Code and
Section 27 of the Arms Act.

3. The prosecution case, in short, is that four unknown
persons have snatched the motorcycle after beating and firing
upon the informant. In the said firing, the informant was injured.
It is further alleged that brother of the informant was also
assaulted by the said persons.

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



present case. Charge-sheet has been submitted in this case and charge has already been framed against the petitioner on 17.05.2025. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submitted that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of self-confession made before the Police in Pothia P.S. Case No. 73 of 2024 and the same has got no evidentiary value. Learned counsel for the petitioner next submitted that the petitioner has been arrested only on the basis of suspicion. The petitioner is in custody since 21.01.2025 and has got five criminal antecedents in which he is on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that the petitioner has confessed his guilt before the police. It is next submitted that based on the confessional statement of the petitioner in Falka (Pothia) P.S. Case No. 73 of 2024, the involvement of the petitioner in this case came to the knowledge and also stolen motorcycle has been recovered from the petitioner's possession. It is further submitted that regular bail of other co-accused has been rejected by a co-ordinate Bench of this Court vide order dated 10.09.2025 passed in Cr. Misc. No.



42465 of 2025. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial. However, if the trial is not concluded within a period of four months from the date of receipt/production, the petitioner will have liberty to renew his prayer for bail in the Court below.

(Rudra Prakash Mishra, J)

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