

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77285 of 2025

Arising Out of PS. Case No.-265 Year-2025 Thana- BIHIA District- Bhojpur

Rakesh Yadav @ Rakesh Kumar Yadav S/O Rambabu Yadav @ Bhuar Yadav
R/O Village- Charghat, P.S- Bahoranpur, Distt.- Bhojpur at Arra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Pandey, Advocate

For the Opposite Party/s : Mrs. Suman Kumari Singh, APP

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

ORAL ORDER

3 03-02-2026 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Behia P.S. Case No. 265 of 2025, instituted for the offences punishable under Sections 109(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023, read with Sections 25(1-B)(a), 26 and 27 of the Arms Act.

3. The prosecution case, in short, is that two miscreants went to the shop of the informant and made indiscriminate firing upon him and fled away from the spot.

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. 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 suspicion and identification through CCTV footage during investigation. It is further submitted that no T.I. parade has been conducted in this case. The allegation levelled against the petitioner is general and omnibus in nature. The petitioner is in custody since 23.07.2025 and has got one criminal antecedent in which he is on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Behia P.S. Case No. 265 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of



the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the prosecution will have liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Rajorshi/-

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