IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77330 of 2026

CNR No. BRHC011133692026

Arising Out of PS. Case No.-48 Year-2026 Thana- KAUWAKOL District- Nawada

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Rakku @ Rakwa @ Rakhu @ Rakesh @ Rakesh Yadav @ Rakhna @ Rakku Yadav @ Rakesh Ranjan son of Sudama yadav Resident Of village- Itaband, P.S-Chandradip, District-jamui,Bihar.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Prabhojot Singh, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in Kawakole P.S. Case No. 48 of 2026 instituted for the offences under Sections 126(2), 115(2), 109, 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. Prosecution allegation, in short, is that, on 22.01.2026, the informant and others reached Nata river bridge, where the accused persons were assaulting Sujit Kumar. It is alleged that accused Chandan Mahto fired at the informant's brother Ajit Kumar, causing his death, while Sachin Kumar and Rakku @ Rakhwa (petitioner) assaulted the informant with a

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pistol butt and Raghav fired in the air.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. It is further submitted that specific allegation of firing upon the deceased is alleged against co-accused, namely, Chandan Mahto. The only allegation against the petitioner is that he assaulted the informant with the butt of a pistol. Charge-sheet has been submitted in this case. The petitioner is in custody since 24.01.2026 and has ten criminal antecedents. Co-accused have been granted regular bail by this Bench vide order dated 07.10.2026 passed in Cr. Misc. Nos. 50547 of 2026 and 48365 of 2026.

5. Learned A.P.P. 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, there being no direct allegation of firing upon the deceased against the petitioner and 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 on furnishing

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bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kawakole P.S. Case No. 48 of 2026, 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 and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner will not tamper with the evidence or the witnesses during the trial.

(IV) Petitioner shall not commit offence of similar nature in future.

If any of the above conditions are violated, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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