

IN THE COURT OF THE PRINCIPAL DISTRICT & SESSIONS

JUDGE, AURANGABAD

B.P No.283/2026

Arising out of Rafiganj P.S. Case No.529/2025

Present:- Vishwa Vibhuti Gupta, Sessions Judge, I/C Aurangabad (Bihar)

Rahul Kumar @ Rahul Kumar Saw, age 25, S/o Devnandan Saw, R/o Vill-Deoria,
P.S-Hunterganj, Chatra, Jharkhand

... Petitioner(s)

Versus

The State of Bihar

...Opposite Party(s)

Appearance :

For the Petitioner(s)	:	Sri Baliram Kumar
For the State	:	Sri Ajay Kumar, P.P

30.03.2026

The petitioner, who has been undergoing judicial custody since 10.01.2026, preferred this application for grant of regular bail in connection with Rafiganj P.S. Case No.529/2025 instituted for the offence u/s 303(2) of the Bharatiya Nyaya Sanhita, 2023. A copy of the bail petition has been served upon the Id. P.P. for the State

The briefly stated prosecution story is that on 24.11.2025 at about 06:00 PM, the informant, after ploughing his field, parked his tractor along with thresher at his house. When he woke up on 25.11.2025 at about 05:00 AM, he found that the vehicle was missing from the place where it had been parked. The informant made inquiry in the village to locate the stolen vehicle, but no information regarding the whereabouts of the tractor was found. The stolen vehicle bearing Registration No. BR45G9031 and Chassis No. WSTB28428151548.

It has been submitted by the learned counsel appearing for the petitioner that the petitioner is an innocent and has been falsely implicated in this case. Nothing has been recovered from the possession of the petitioner. It is further submitted that the petitioner has not committed theft of the alleged tractor. Petitioner is having one criminal antecedents. On these grounds, it is prayed that the petitioner be given the privileges of bail.

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On the other hand, learned P.P. for the State opposed the prayer for grant of bail to the petitioner.

Heard learned counsel for the petitioner and learned P.P. for the State.

The case diary is attached with the record and from perusal of case diary, it appears that the tractor and the threshar has been recovered. From perusal of record it also transpires that the charge-sheet has already been submitted and cognizance has also been taken on 12.03.2026. It is also significant to note that no cogent or reasonable ground has been assigned in the arrest memo justifying the arrest of the petitioner. The settled principles governing arrest, as well as the mandate of procedural fairness, do not appear to have been duly followed by the Investigating Officer. It is a well-established principle of criminal jurisprudence that "bail is the rule and jail is the exception." Further, no person shall be deprived of his personal liberty except in accordance with the procedure established by law. The continued incarceration of the petitioner, in absence of compelling reasons, would amount to a violation of his fundamental right to personal liberty. Petitioner has been languishing under judicial custody since 10.01.2026.

Considering the fact that stolen article has been recovered and the petitioner has been languishing under judicial custody last two months. Hence, bail petition filed on behalf of the petitioner is hereby **allowed** subject to furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below.

Dictated

(Vishwa Vibhuti Gupta)
I/C Sessions Judge
Aurangabad (Bihar)