

Page No. 1 of 3
Santosh Kumar Pandey, D&ASJ - II, Darbhanga
BP No. 537/2026
(Arising out of Bahadurpur P.S. Case No. 123/2026)
Rahul Sah @ Abhishek Kumar versus the State of Bihar.
Date of Order - 19.06.2026

IN THE COURT OF ADDITIONAL SESSIONS JUDGE - II, DARBHANGA
BP No. 537/2026

Rahul Sah @ Abhishek Kumar s/o Mahabir Sah, resident of Village - Balbhadarpur, P.S. -
Laheriasarai, District - Darbhanga Petitioner
versus
State of Bihar Opposite Party

Counsel for the Petitioner (s) : Sri Mukesh Kumar Ray, Learned Advocate.
Counsel for the State : Sri A. N. Jha, Public Prosecutor.
Counsel for the Informant : Sri Mahesh Prasad, Learned Advocate.

ORDER
19.06.2026

1. The present application has been filed on behalf of the petitioner seeking regular bail in connection with Bahadurpur P.S. Case No. 123 of 2026 registered for offences punishable under Sections 126(2), 308(3), 109 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 25(1-b)(a) of the Arms Act. The petitioner is in judicial custody since **04.05.2026**.
2. The prosecution case, in brief, is that on 25.04.2026 at about 11:00 A.M., when the Informant was proceeding towards Benta through VIP Road, one person riding a white-coloured motorcycle intercepted him, demanded a sum of Rs.2,00,000/- as extortion and threatened to kill him in case of non-payment. It is further alleged that on 02.05.2026 at about 09:30 P.M., while the Informant was returning home from the village market, two persons arrived on a motorcycle and one of them attempted to fire at him with a pistol. However, the firearm allegedly malfunctioned and no shot could be discharged. Thereafter, with the assistance of local villagers, one of the assailants was apprehended on the spot. Upon inquiry, he disclosed his identity as Rahul Sah. Subsequently, the police was informed and the apprehended accused along with the firearm was handed over to the police, leading to registration of the present case.
3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and has been falsely implicated owing to previous enmity and a long-standing civil dispute relating to landed property between the parties. It has been argued that prior litigation was already pending between the parties and the instant criminal case has been instituted as a pressure tactic. It is further submitted that the mother of the Informant had earlier instituted Complaint Case No. 519/2026, indicating continuing hostility between the parties. Learned counsel further contended

Page No. 2 of 3
Santosh Kumar Pandey, D&ASJ - II, Darbhanga
BP No. 537/2026
(Arising out of Bahadurpur P.S. Case No. 123/2026)
Rahul Sah @ Abhishek Kumar versus the State of Bihar.
Date of Order - 19.06.2026

that the arrest and investigation suffer from procedural irregularities and that mere allegations should not deprive the petitioner of his liberty. On these grounds, prayer for grant of bail has been made.

4. Learned Public Prosecutor, assisted by the learned counsel for the Informant, strongly opposed the prayer for bail. It has been submitted that the petitioner has been specifically named and attributed a direct role in the occurrence. It is further submitted that the petitioner was apprehended at the place of occurrence itself and was handed over to the police along with the weapon allegedly used in the crime. The prosecution has also pointed out that the petitioner possesses seven criminal antecedents and appears to be a habitual offender. Learned counsel for the Informant has further submitted that the petitioner had been released from custody in another criminal case only a few days prior to the present occurrence and that had the firearm not malfunctioned, the Informant could have suffered fatal consequences. Certain photographs allegedly depicting the petitioner with firearms have also been brought on record.
5. I have heard the learned counsel for the parties at length and carefully perused the materials available on record including the case diary. Upon perusal of the First Information Report and the materials collected during investigation, it appears that the petitioner has been specifically named and attributed a direct and active role in the alleged occurrence. The allegation against him is not of a peripheral nature but of having attempted to commit a violent act against the Informant by using a firearm. Though the firearm allegedly failed to discharge, the materials presently available indicate a prima facie attempt to execute the threat allegedly extended earlier. Significantly, the case diary reveals that the petitioner was apprehended at or near the place of occurrence immediately after the incident with the assistance of local villagers and was thereafter handed over to the police. Such apprehension at the spot lends prima facie support to the prosecution version at this stage of consideration of bail. Paragraph 6 of the case diary containing the seizure list further reveals that one black-coloured iron pistol bearing the inscription "Made in USA" and one live cartridge were recovered and seized. The recovery of the alleged weapon and ammunition contemporaneously with the arrest of the petitioner constitutes a relevant incriminating circumstance which cannot be ignored while considering the prayer for bail.

Page No. 3 of 3
Santosh Kumar Pandey, D&ASJ - II, Darbhanga
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Rahul Sah @ Abhishek Kumar versus the State of Bihar.
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6. Another significant factor is the criminal antecedent of the petitioner. The petitioner is reported to have seven criminal antecedents. Though criminal antecedents alone cannot be a ground for rejection of bail, they remain a relevant consideration for assessing the possibility of recurrence of criminal conduct and the overall impact on societal interest. The submission made on behalf of the Informant that the petitioner had recently been released from custody shortly before the present occurrence also assumes significance in the facts of the present case.
7. The allegations involve extortion coupled with a subsequent armed attack. Such allegations, if ultimately proved, disclose conduct affecting not merely an individual victim but also public order and the sense of security in society. The seriousness of the accusation, the nature of the weapon allegedly used, the manner of commission of the offence, and the prima facie supporting materials available in the case diary weigh against the grant of bail at this stage.
8. Having regard to the nature and gravity of the accusation, the specific role attributed to the petitioner, the circumstances of his apprehension, the recovery of the alleged firearm and live cartridge, his criminal antecedents, and the overall facts and circumstances emerging from the case diary, this Court is of the considered opinion that no case for grant of regular bail is made out at this stage.
9. Accordingly, the prayer for regular bail made on behalf of the petitioner is hereby **rejected**.
10. Let a copy of this order be transmitted to the Court concerned forthwith.

(Santosh Kumar Pandey)
Additional Sessions Judge - II,
Darbhanga
19.06.2026

Date of Judgement/order	19.06.2026
Date of reserving judgement/Order	19.06.2026
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