

In the matter of:-

Rahul Kumar, aged about 22 years, s/o Baiju Mahto, r/o- vill. Fulwarisharif Tamtam Parao , P.S. Fulwarisharif, Distt. Patna

..... Petitioner

Vs.

State of BiharO.P.

Lawyer for the accused; Sri Ganesh Pd. Yadav (Adv.)

Lawyer for the State; Sri Kalam Ansari (Addl. P.P.),

Present: - Naghma Tarannum Addl. Sessions Judge-04, Danapur

ORDER

02.04.2026

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02/04/26

1. The present bail petition has been moved on behalf of the petitioner, **Rahul Kumar**, who is in judicial custody since **27.11.2025** in connection with **Rupaspur P.S. Case No. 478 of 2025**, registered for offences punishable under **Sections 305 and 112(2) of the Bharatiya Nyaya Sanhita (BNS), 2023**.
2. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case based on merely conjectures and surmises. Nothing incriminating has been recovered from physical or conscious possession of the accused petitioner. It is vehemently argued that the petitioner is not named in the First Information Report (FIR). His name has been surfaced only in the confessional statement of another co-accused, that too before the police, which has no any evidentiary value in the eyes of laws. Learned counsel further contends that the other co-accused have already been granted bail by this learned court, and the case of this petitioner is also on the same footing. It is highlighted that the petitioner has clean antecedents and has been languishing in custody for a considerable period. The petitioner is ready and willing to abide by any terms and conditions imposed by this Hon'ble Court.
3. Per contra, the learned Additional Public Prosecutor strenuously opposes the prayer for bail. It is submitted that the investigation has revealed a nexus between the petitioner and the co-accused. Specific reference is made to the statement of the co-accused, who disclosed committing the alleged crime along with this accused petitioner. Furthermore, the prosecution relies on the recovery of three stolen mobile phones from another co-accused on the instance of the petitioner, asserting that this establishes his involvement in the alleged crime.
4. I have given my anxious consideration to the rival submissions and perused the case diary, specifically **Paragraphs 49, 50, and 64**.

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5. Admittedly, the name of the petitioner surfaced on the confessional statement of the co-accused, and there is an allegation of recovery of three mobile phones from the possession of co-accused.
6. However, a crucial aspect revealed in **Paragraph 64** of the case diary is that the petitioner has no criminal antecedent. He is a first-time offender.
7. The petitioner has been in custody since **27.11.2025**. The offences alleged are triable by a Magistrate, and the conclusion of the trial is likely to take time.
8. In considering the prayer for bail, this Court is guided by the law laid down by the Hon'ble Supreme Court in *Satender Kumar Antil vs. Central Bureau of Investigation (2022)*, wherein it was reiterated that "*Bail is the rule and jail is the exception.*" The Apex Court held that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail and that pre-trial incarceration should not become a punishment, particularly when the accused has deep roots in society and no criminal history.
9. Similarly, in *Sanjay Chandra vs. CBI (2012)*, the Hon'ble Supreme Court observed that the gravity of the offence alone cannot be the sole ground to deny bail, and the Court must balance the liberty of the individual with the interest of the society.
10. Taking into consideration the fact that the petitioner has no criminal antecedent, has been in custody since 27.11.2025, the other co-accused have already been granted bail in this case, and that the investigation appears to be substantially complete, I am inclined to extend the privilege of bail to the petitioner.
11. Let the petitioner, **Rahul Kumar**, be released on bail upon furnishing a 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/Jurisdictional Magistrate in connection with **Rupaspur P.S. Case No. 478 of 2025**, subject to the following conditions:
 - 12.(a) One of the bailors shall be a close relative of the petitioner.

(b) The petitioner shall appear before the learned Trial Court on each and every date fixed for the trial. Failure to appear on two consecutive dates without reasonable cause shall result in the cancellation of his bail bonds.

(c) The petitioner shall not tamper with the evidence or influence witnesses in any manner.

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<p>Contd. 02-04. 2026</p>	<p>(d) The petitioner shall not indulge in any similar offence in the future.</p> <p>Dictated</p> <p><i>Naghna Parannan</i> 02/04/26.</p> <p>Addl. Sessions Judge-04, Danapur</p>	
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