

**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,
SITAMARHI.
B.P No. 762/26.**

Present:- Akhilesh Kumar Jha, Principal District & Sessions Judge,

In the matter of :-

**1. Rahul Kumar Jha S/o Sanjay Jha ,R /o Dostiya, P.S-Purnahiya,
Distt. Sheohar.....Petitioner.**

V/S

State of Bihar.....Opposite Party.

Appearance:

For the petitioner:- Sri Kumar Shivam, Advocate.

For the State:- Md. Prafulla Kumar Jha, I/C PP.

Date of order or proceeding.	Order with the signature of the court.	Office action taken with date.
<u>24.08.2026.</u>	This bail petition has been filed on behalf of the petitioner namely, Rahul Kumar Jha who is in custody since 10.12.2025 in connection with Bajpatti P.S. Case No. 176/25 registered u/ss: 103(1),3(5) BNS and 27 Arms Act. 2. Heard the learned counsel for the petitioner and the learned I/C PP for the State. 3. Learned counsel for the petitioner submitted that the petitioner is quite innocent and he has been falsely implicated in this case. All the allegations levelled against the petitioner are false and baseless. The petitioner is not named in the FIR. Name of petitioner surfaced in confessional statement of co-accused Deepak Thakur. Nothing incriminating material has been recovered from possession of the petitioner. The petitioner has criminal antecedent of nine cases. The petitioner is in custody since 10.12.2025. No TIP has been conducted for identification of petitioner. Other co-accused has been granted bail vide BP No. 419/26. On these grounds, the learned counsel for petitioner prayed for grant of bail to the petitioner. 4. On the other hand, the learned I/C PP opposed prayer of bail. Further submitted that the police after completion of investigation submitted charge-sheet against the petitioner u/ss: 103(1),3(5)	

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BNS and 27 Arms Act.

5. The prosecution's case, in brief, as per Fard-beyan of the informant namely, Pushpa Devi is that on 17.7.2025 her son Aditya Kumar @ Bela was near the eastern part of the river, on which dam was to be constructed. In the meantime, accused persons alongwith four-five unknown came and fired indiscriminately on her son resulting into his death. He was brought to Sitamarhi hospital by co-villagers where he was declared dead. She alleged that all the seven FIR named accused committed murder of her son which has was seen by the witnesses.

6. Perusal of record shows that the petitioner is not named in the FIR. Name of the petitioner appears to be surfaced in this case in confessional statement of accused/co-accused. The petitioner has been remanded in this case from Bajpatti PS Case No. 230/25. Petitioner is in custody since 10.12.2025. investigation of the case is complete and charge-sheet has already been filed. Other co-accused Abhinav Pathak @ Chandan has been granted bail by this Court vide BP No. 419/26 order dated 23.6.202. FIR named co-accused Manoj Pathak @ Manoj Kumar Pathak and Ravishankar Mukhia @ Ravishankar Thakur have been granted bail by the Hon'ble Court vide Cr.Misc. No. 87880 of 2025 order dated 23.02.2026 and Cr.Misc. No. 6786 of 2026 vide order dated 02.04.2026, respectively and case of petitioner appears to be on similar footing to the co-accused who were granted bail.

7. Though, the petitioner is having criminal antecedents. **The Hon'ble Supreme Court in the case of Prabhakar Tiwari Vrs. State of U.P and another (2020) 11 SCC 648** has observed that pendency of several criminal cases against the accused may itself cannot be a basis for refusal of bail

8. Considering the aforesaid facts & circumstances of the case, prayer for bail of the petitioner is allowed.

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He is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Magistrate where the case is presently pending subject to further conditions as laid down u/s: 480(3) BNSS.

(Dictated)
Sd/-
(Akhilesh Kumar Jha)
Principal Sessions Judge,
Sitamarhi.
24.08.2026

Date of Judgment /Order	24.08.2026.
Date of Reserving Judgment/Order	24.08.2026.
Uploading Date	24-08-2026
Uploaded by	Purushotam kumar