

IN THE COURT OF THE HON'BLE COURT

Criminal Miscellaneous Case

IN THE MATTER OF:

Rahul Kumar

S/o Ramesh Kumar

Age: 28 years

R/o Village Barh, Dist. Patna, Bihar - 803213

... Petitioner

Versus

State of Bihar

Through Public Prosecutor

... Respondent

**APPLICATION FOR Regular Bail UNDER SECTION 480 OF
THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023**

TO,

THE HONOURABLE THE HON'BLE COURT,

MOST RESPECTFULLY SHOWETH:

1. That the present bail application is being filed on behalf of the Applicant, Rahul Kumar, S/o Ramesh Kumar, aged 28 years, resident of Village Barh, Dist. Patna, Bihar - 803213, who has been arrested and is presently in judicial custody in connection with FIR No. 42/2025 dated 15.03.2025, registered at Police Station Kotwali, under Sections 115(2) and 111 of the Bharatiya Nyaya Sanhita, 2023. The Applicant seeks regular bail before this Hon'ble Court under Section 480 of the Bharatiya Nagarik Suraksha Sanhita,

2023, and invokes the fundamental right to personal liberty guaranteed under Article 21 of the Constitution of India.

2. That the facts giving rise to the present application, as understood from the record, are that the Applicant, Rahul Kumar, is a young man of 28 years with absolutely no prior criminal antecedents or history of any criminal involvement whatsoever. The Applicant is a permanent and bona fide resident of Village Barh, Dist. Patna, Bihar - 803213, having deep roots in the community. He is the sole breadwinner of his family, upon whom his aged parents and dependent family members are entirely reliant for their day-to-day sustenance and livelihood. The continued incarceration of the Applicant has caused immense financial hardship and irreparable suffering to his innocent family members, who have been rendered without any means of support during his detention.

3. That the alleged offence in the present case has arisen entirely out of a civil dispute over land, and the registration of the FIR appears to be a result of the escalation of a pre-existing civil controversy between the parties rather than any genuine criminal act on the part of the Applicant. It is respectfully submitted that the dispute is essentially civil in nature, pertaining to rights over immovable property, and the criminal proceedings have been initiated as a counterblast to the ongoing civil dispute. The Applicant had no intention to commit any cognizable offence and was merely exercising what he genuinely believed to be his lawful rights over the disputed land. The ingredients of the offences alleged are not prima facie made out against the Applicant on a fair reading of the FIR and the material on record.

4. That the Applicant is a first-time offender with absolutely no prior criminal record or history of any criminal case registered against him at any point in time. He has never been charge-sheeted, convicted, or subjected to any penal proceedings before the filing of the present FIR. The Applicant is a young man of 28 years who hails from a humble background and is a law-abiding and peace-loving citizen. The registration of the present FIR is the first and only instance of any alleged criminal conduct attributed to him, and there is no material on record to suggest any propensity or inclination towards criminal behaviour. This Hon'ble Court may take due note of the clean antecedents of the Applicant while considering the present bail application.

5. That it is most respectfully submitted that Section 115(2) of the Bharatiya Nyaya Sanhita, 2023, under which the Applicant has been arraigned, is a bailable offence as per the First Schedule to the Bharatiya Nyaya Sanhita, 2023. The Applicant is therefore entitled to bail as a matter of right under the applicable provisions of law. The continued detention of the Applicant under a bailable offence is not warranted in law and is contrary to the settled principles governing the grant of bail in such matters.

6. That the co-accused persons arrayed in the same FIR No. 42/2025 dated 15.03.2025 have already been granted bail by this Hon'ble Court. The Applicant is similarly situated to the co-accused who have been released on bail, and no distinguishing circumstance exists in the present case that would justify the differential treatment of the Applicant by withholding bail to him alone. It is well-settled that parity of treatment is a recognised ground for the grant of bail, and the Applicant is entitled to the

same relief as has been extended to his co-accused by this Hon'ble Court.

7. That the investigation in the present matter is pending, and the Applicant undertakes to fully cooperate with the investigating agency at every stage of the investigation and trial. The Applicant shall not, in any manner, tamper with the evidence, influence or intimidate witnesses, or obstruct the course of justice if released on bail. The Applicant has fixed and permanent roots at his address in Village Barh, Dist. Patna, Bihar - 803213, and there is no apprehension whatsoever of his fleeing justice or absconding from the jurisdiction of this Hon'ble Court. He is ready and willing to abide by all such terms and conditions as may be imposed by this Hon'ble Court upon the grant of bail.

8. That the continued incarceration of the Applicant constitutes a grave violation of his fundamental right to life and personal liberty as enshrined under Article 21 of the Constitution of India. The Hon'ble Supreme Court of India has, in a long and consistent line of decisions, affirmed that the right to personal liberty is the most precious of all fundamental rights and that pre-trial detention must not be used as a form of punishment. Detaining the Applicant — a first-time offender, sole breadwinner of his family, involved in a matter rooted in a civil land dispute — for an extended period prior to the conclusion of trial would be wholly disproportionate and contrary to the constitutional mandate of Article 21.

9. That the Applicant is not likely to repeat the offence if released on bail, particularly given that the alleged offence arose from a specific civil dispute over land and not from any pre-meditated criminal design or habitual criminal conduct. The Applicant is

deeply conscious of his responsibilities towards his family and to the rule of law, and his release on bail will enable him to resume his role as the sole provider for his dependent family members, thereby preventing further hardship and suffering to innocent persons who bear no connection to the present case.

10. That the Applicant is ready and willing to furnish adequate surety and security to the satisfaction of this Hon'ble Court, and shall faithfully attend and remain present before the Trial Court on each and every date of hearing as may be fixed in the present case. The Applicant humbly prays that this Hon'ble Court may be graciously pleased to exercise its jurisdiction and discretion in favour of the Applicant by granting him regular bail in the interest of justice, equity, and the constitutional protection of personal liberty.

PRAYER

In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Honourable Court may be pleased to:

- a) Grant Regular Bail to the Petitioner, Rahul Kumar, in connection with FIR No. 42/2025 dated 15.03.2025, PS Kotwali, under Section 480 of BNSS, 2023, on such terms and conditions as this Hon'ble Court may deem fit;
- b) Pass such other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.

And for this act of kindness, the petitioner shall ever pray.

VERIFICATION

I, Rahul Kumar, the Petitioner herein above named, do hereby verify that the contents of paragraphs 1 to 10 of the above application are true and correct to the best of my knowledge and belief, and nothing material has been concealed therefrom.

Verified at on this ____ day of _____, 2026.

Rahul Kumar
(Petitioner)

THROUGH:

Adv. Ravi Shankar Singh
Advocate

Enrollment No. _____

Place:

Date: 18 June 2026