

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32547 of 2025

Arising Out of PS. Case No.-295 Year-2021 Thana- MANER District- Patna

Akhilesh Rai S/o- Late Naubat Rai Resident Of Village- Khaspur, Chakiya
Tola, Ps-Maner, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 21-05-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. A prayer for bail has been made on behalf of the
petitioner in connection with Maner P.S. Case no.295 of 2021
registered under sections 302 and 34 of the Indian Penal Code
and Section 27 of the Arms Act.

3. As per prosecution case, the informant states that
her husband received a call on his mobile from petitioner's
number 9708843201 asking him to come to Sherpur, Ganga
Ghat with food for 7-8 persons. She further states that her
husband left with the food but did not return till the morning. It
is further alleged that the informant came to know that accused
Mithilesh, Shambhu and Akhilesh (petitioner) shot him with the
rifle while other accused were holding him.

4. Learned counsel for the petitioner submits that



the petitioner has been falsely implicated in the case. It would appear from bare perusal of the F.I.R that the same is cryptic and vague and admittedly the informant is not an eye witness to the occurrence. The entire narration of the F.I.R has been made on mere suspicion. Learned counsel for the petitioner further submits that the petitioner was one who had called the deceased with food etc. and hence, there was no reason that he would commit murder of the deceased. No suspicion was raised against the petitioner or any one else on the time when the deceased left the home and even at that time when the informant had called her husband in the night on phone. There is no disclosure of the source of information upon which the F.I.R has been lodged rather the entire narration is hinging around suspicion. The petitioner is in custody since 21.11.2024 and undertakes to cooperate in the case/trial. Charge-sheet has been submitted in the case.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State on the ground that the petitioner has one criminal antecedent. However, in response learned counsel for the petitioner submits that he is on bail in the said case.

6. Considering the fact that the entire allegations are based on suspicion, the petitioner is in custody since 21.11.2024



and charge-sheet has been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Maner P.S. Case no.295 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Danapur.

(Soni Shrivastava, J)

Harsh/-

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