

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18442 of 2026

Arising Out of PS. Case No.-405 Year-2023 Thana- KESARIA District- East Champaran

Aayush Kumar Dubey @ Pawan Kumar, S/o- Ravi Shankar Diwedi @ Ravi
Shankar Dubey, Resident of Village- Mananpur Ward No- 9 PS- Kalyanpur,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun, Adv. Mr. Karandeep Kumar, Adv.
For the Opposite Party/s	:	Mr. Madan Kumar, APP
For the Informant	:	Mr. Shanti Bhushan Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 08-05-2026 Heard learned counsel for the petitioner, learned
A.P.P for the State and learned counsel for the informant.

2. Learned counsel for the petitioner submits that a
supplementary affidavit has been filed today i.e. on 08.05.2026
through e-filing and hard copy is filed in the Court which may
be accepted.

3. Let it be accepted and kept it on record.

4. The petitioner seeks bail in connection with
Kesariya PS Case No. 405 of 2023 dated 09.08.2023 instituted
for the offence punishable under Sections 302, 120B/34 of the
Indian Penal Code and Sections 27 of the Arms Act.

5. The prosecution case, in short, is that the son of the



informant, Mukesh Kumar Dwivdi, was a Deed Writer in the Registry Officer, Keksariya and he was going to Registry Officer on the alleged date of occurrence along with one Bittu Dubey. He was shot dead near Rajpur Zirat. He went at the place of occurrence and inquired about the occurrence and came to know that Ravi Shankar Dubey and the petitioner along with some unknown persons were following his son under a conspiracy and killed him.

6. Earlier, *vide* order dated 24.01.2025 passed in Criminal Miscellaneous No. 46696 of 2024, the petitioner's bail application was rejected.

7. This is second attempt for grant of regular bail application to the petitioner.

8. *Vide* order dated 25.07.2025, a report about the present stage of trial was also called for from the concerned Court, which is on record. In the report, the learned District & Additional Sessions Judge-XX, Motihari has stated that a discharge petition filed by the petitioner is pending. Next date 02.04.2026 was fixed for hearing on discharge petition filed by Ayush Kumar Dubey (petitioner).

9. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. It is submitted that the case was fixed for charge on 18.03.2025 on which date, the petitioner was physically present and further, the case was fixed for framing of charge on 26.03.2025 and thereafter, it was fixed on 09.04.2025 and subsequently on 23.04.2025 and thereafter again it was fixed on 23.04.2025 and then it was fixed for 07.05.2025 and on all dates, the petitioner and other co-accused was physically present but charge was not framed. It is further submitted that objection raised by the counsel for the informant is only due to filing of the discharge petition, the charge has not been framed. In this regard, the learned counsel for the petitioner filed entire order-sheet of the trial showing the dates on which the petitioner was produced from the custody after disposal of discharge petition on 24.02.2025 filed by the co-accused Ramkishore Dwivedi. Four months have passed without framing of charge and after 24.02.2025, four dates were fixed for framing of charge i.e. 05.03.2025, 08.03.2025, 26.03.2025 and 09.04.2025. Learned counsel for the petitioner vehemently submitted that the petitioner had filed discharge petition under Section 227 of Cr.P.C. on 04.06.2025. On several occasions, the petitioner was physically present before the concerned court but the time for hearing on the point of discharge was extended one after another



date. Further, it is submitted that till date charge has not been framed. It is also submitted that the petitioner was directed to renew the prayer for bail if the trial is not concluded within one year *vide* order dated 24.01.2025. Lastly, it has been submitted that the petitioner is in custody since 16.10.2023, having five criminal cases against him and charge-sheet has been submitted in the case.

10. Learned counsel for the informant and learned A.P.P for the State opposes the prayer for bail of the petitioner and submitted that due to his petition for discharge, the charge has not been framed as yet.

11. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XXII, East Champaran at Motihari in connection with Sessions Trial No. 292 of 2024 arising out of Kesariya P.S. Case No. 405 of 2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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