

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29528 of 2026

Arising Out of PS. Case No.-632 Year-2023 Thana- PATLIPUTRA District- Patna

Vishal Kumar @ Ajay Ray @ Ajay Rai, aged about 37 years, Son of Mohan Rai, Resident of Bal Kishun Complex, Near Central Bank, Rajeev Nagar PS- Rajeev Nagar District- Patna, at present residing at Mohalla- Kurji Balu Par PS- Digha District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar, Advocate
For the State	:	Mr. Narendra Kumar Singh, APP
For the Informant	:	Mr. Himanshu Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 15-05-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Sessions Trial No. 521 of 2025 arising out of Patliputra P.S. Case No. 632 of 2023 instituted for the offences punishable under Sections 326, 307, 120B, 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation in the FIR, it is a case of contract killing and the petitioner along with other co-accused persons came on motorcycles and fired shot the brother of the informant thereafter he died.

4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case. He next submits that save and except, the confessional statement of co-accused persons, there is no other material on record to show the complicity of the petitioner in the alleged occurrence. Petitioner has got twenty three criminal antecedents as stated in para-3 of the petition and he is in custody since 27.01.2025. He next submits that earlier the prayer for bail of this petitioner was rejected by this Court Apex Court in SLP (Crl.) No. 9375 of 2024. He next submits that the trial of the petitioner is pending before the concerned trial Court because the concerned Trial Court is vacant.

5. Learned APP for the State and learned counsel for the informant opposed the prayer for regular bail of the petitioner.

6. From perusal of the FIR and impugned order of the learned District and Additional Sessions Judge-1st Patna dated 09.12.2025, it also appears that the opinion of the Hon'ble Apex Court 'Respondent No.2, Vishal Kumar @ Ajay Ray, will be entitled to file a fresh application for grant of bail in case of a change in circumstances or if the trial gets prolonged due to reasons not attributable to respondent No.2, Vishal Kumar @ Ajay Ray, or the co-accused' the order of Hon'ble Supreme



Court in S.L.P. (Crl.) No. 9375 of 2024, the Supreme Court of India cancelled the bail of the petitioner which was earlier granted bail by this Court vide order dated 10.04.2024 passed in Cr. Misc. No. 14021 of 2024. Petitioner is in custody since 27.01.2025, i.e., more than one year and thereafter passed the Hon'ble Apex Court's observation, the learned District & Additional Sessions Judge-I, Patna dated 15.03.2026, 'a petition has been filed by learned counsel for the State praying therein to defer the judgment and grant one week time to file some documents and also for making argument on certain important points and all the counsels for defence are present in the court. Learned counsel for accused persons, namely, Ajay Rai @ Vishal Kumar @ Md. Raja, Md. Imran & Md. Kyosh has submitted that the accused persons, namely, (1) Ajay Rai @ Vishal Kumar, (2) Md. Raja & (3) Md. Imran are in custody and further submitted that no copy of such petition has been supplied to them, the state has been given ample opportunities for producing the evidence as well as for arguments. After conclusion of the argument of defence, the State has filed some rulings as well as its written arguments also and thereafter on the request of State, case was fixed for judgment and today's date is fixed for pronouncement of judgment and filing such



petition by the State indicates the delaying tactics reason best known to them, such petition is vague.’ as also the fact that similarly situated co-accused Santosh Kumar has been granted bail by this Court passed in Cr. Misc. No.6309 of 2024 and also the fact that both parties have stated that at present, the concerned Court where trial is going on is currently vacant.

7. In view of the above facts, let the above named petitioner be released on regular 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 Sessions Judge-Ist, Patna in connection with Sessions Trial No.521 of 2025 arising out of Patliputra P.S. Case No. 632 of 2023, subject to the condition that the petitioner shall present before the learned trial Court on each and every date as fixed by the learned trial Court till pronouncement of the judgment and if any single date is absented by the petitioner, then the trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Ramesh Chand Malviya, J)

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