

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29703 of 2026

Arising Out of PS. Case No.-256 Year-2025 Thana- KHAGAUL District- Patna

Rakesh Kumar @ Sipahi @ Rakesh S/O Amit Kumar Resident of Village -
Dalluchak, Police Station - Khagaul in the District of Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kundan Kumar Sinha, Advocate
For the State	:	Mr. Abhay Kumar Roy, APP
For the Informant	:	Mr. Ashish Giri, Sr. Advocate
		Mr. Sumit Kumar Jha, Advocate
		Ms. Riya Giri, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 01-07-2026 Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Khagaul P.S. Case no. 256 of 2025 registered under sections 126(2), 115(2), 109, 140(1), 61(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the informant states that on 5.8.2025 his elder brother had proceeded from his house. Subsequently a phone call was received stating therein that the eight named accused persons including the petitioner herein as also 5-7 unknown accused persons were assaulting his brother. On reaching the place of occurrence, no one was to be found nor any trace of his brother was there. The informant states that he is



convinced that the accused persons have taken away his brother.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Even in course of investigation a pendrive was provided by the informant with respect to the occurrence to the police wherein 10-11 persons can be seen involved in the occurrence. The petitioner is not amongst them. The petitioner has been falsely implicated in the case in the confessional statement of co-accused Ritesh made before police. The petitioner surrendered in the learned Court below on 8.8.2025 and is in custody since then. He has no criminal antecedent and chargesheet has been submitted in the case.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that it has transpired in course of investigation that there was fight between the deceased and the petitioner in a birthday party and thereafter the occurrence was given effect to. The name of the petitioner transpired in course of investigation in the confessional statement of a co-accused and the said confession also lead to recovery of the dead-body. Learned counsel for the informant has taken the Court through different paragraphs of the case diary including paragraph no.35 wherein the statement of the co-accused Ritesh



Kumar has been recorded. It is finally submitted that the bail application of co-accused Roshan Kumar and Vishal Kumar have been rejected by a Co-ordinate Bench by common order dated 28.4.2026 passed in Cr. Misc. no.8141 of 2026 and Cr. Misc. no.12575 of 2026.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR and the material that has transpired in course of investigation specially the order of rejection of the application for bail of the co-accused vide aforesaid order dated 28.4.2026, the Court is not inclined to enlarge the petitioner on bail for the present and the application is rejected.

7. Liberty is granted to the petitioner to renew his prayer for bail after six months or on framing of charge, whichever is later.

(Partha Sarthy, J)

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