

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33865 of 2026

Arising Out of PS. Case No.-297 Year-2025 Thana- GOH District- Aurangabad

Abhay Mali son of Birju Mali Resident of village- Allahabad, Ps- Dararganj,
Dist- Allahabad UP

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Rajiv Nayan, APP.

CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR
ORAL ORDER

4 27-07-2026 Heard the learned counsel for the petitioner as well as the
learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection
with Goh P.S. Case No. 297 of 2025, registered for the offences
punishable under Section 311 and 103(i) of the BNS.

3. The prosecution case, in brief, is that as per the written
report of the informant, *Ramadhar Yadav*, on the night of
01.10.2025, after having dinner, he and his wife, *Anjani Devi*,
went to sleep in separate rooms. On the next morning, i.e.,
02.10.2025, at about 05:00 A.M., when the informant woke up,
he found that the door of his room had been locked from
outside. Upon raising an alarm through the window, his
neighbour opened the door. Thereafter, he found the room of his
wife in a disturbed condition and discovered her lying dead on



the bed with multiple injuries. It is further alleged that the lock of the *Godrej almirah* had been broken and gold and silver ornaments worth about Rs. 15-16 lakhs along with cash of Rs. 15,000/- were found missing. The informant suspected that the unknown persons who had committed the theft had also murdered his wife. During the course of investigation, the present petitioner, *Abhay Mali* came to be implicated in the case.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. He has further submitted that the petitioner was not named in the FIR and that his name transpired only on the basis of the confessional statement of co-accused, *Narsimha Pardi @ Narsinga @ Narsingha Pardi*, on the basis of which, the petitioner has been made an accused. He has also submitted that nothing has been recovered from conscious possession of the petitioner or from his house, nor has he been put on a Test Identification Parade. He has next submitted that another accused person, namely, *Anuj Adiwasi @ Anuj Aadiwahsi*, has been granted bail by a co-ordinate Bench of this Court vide order dated 24.06.2026 passed in Cr. Misc. No. 28774 of 2026, and another co-accused, namely, *Dharm Singh Kanzi @ Dharam Pardi @ Dhram Singh*, has been granted bail by this



Court vide order dated 22.07.2026 passed in Cr. Misc. No. 49758 of 2026. He has further submitted that the petitioner is a person of clean antecedent and has been in judicial custody since 20.12.2025. He has also submitted that the observation recorded in the impugned order that the petitioner has eleven antecedents is an error of record. He undertakes to cooperate with the investigation and trial and further undertakes not to repeat any offence of a similar nature.

5. On the other hand, learned APP for the State has opposed the prayer for bail, although he has admitted that the co-accused persons have already been enlarged on bail

6. Taking into account the entire facts and circumstances of the case, coupled with the fact that the co-accused persons have already been granted bail and that the petitioner is a person of clean antecedent, let the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad/concerned court in connection with Goh P.S. Case No. 297 of 2025, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial.
- (ii) One of the bailors must be close relatives of the



petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below shall verify the criminal antecedent of the petitioner and if he is found involved in any case other than the present one, his bail bond will not be accepted.

(v) It is also made clear that there shall not be any delay in verifying the criminal antecedent of the petitioner.

(vi) If he repeats any offence of similar nature, his bail bond shall be liable to be cancelled immediately by the learned court below.

(Raj Kumar, J)

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