IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54232 of 2026

CNR No. BRHC010753062026

Arising Out of PS. Case No.-120 Year-2025 Thana- NADI District- Supaul

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Aklesh Kumar @ Akhilesh Kumar @ Akhilesh Yadav Son of Jivendra Yadav Resident of Village- Majhaura,Ward No. 1, P.S.- Supaul Nadi, District -Supaul

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Kamal Kishore Singh, Adv
For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL ORDER

5 27-10-2026 Heard the learned counsel for the petitioner and the learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Supaul Nadi P.S. Case No. 120 of 2025, registered for an offence under Section 309(4), 3(5) of the B.N.S.

3. As per the prosecution story, which has been lodged on the basis of written report submitted by the informant to the effect that on 25.09.2025 at around 07:30 P.M, the informant along with his cousin brother was going to his home from Nirmali Bazar on his splendor motorcycle bearing registration no. BR50AF-8785. As soon as he reached near Tophir more, then a blue coloured glamour motorcycle without

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any number plate came from behind, upon which three persons were there and they came in front of the motorcycle of the informant. All the three persons started assaulting the informant and his cousin brother with fists and slap. The informant identified one of the accused persons as the petitioner herein, however, he did not identify the other two persons. He refused to give the motorcycle, upon which the petitioner took out a country-made pistol from his waist and pointed it on the ear of the informant, thereafter the informant gave the key of his motorcycle to the petitioner. The person who was sitting at the back of the glamour motorcycle took away the motorcycle of the informant and fled and the petitioner along with other unknown person fled on the blue coloured glamour motorcycle.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He submits that the petitioner has been falsely implicated in the present case, since he is a resident of adjoining village and there is a dispute in between the informant and the petitioner. He submits that the petitioner was not apprehended at the place of occurrence, therefore there is no question of any recovery from possession of the petitioner. He next submits that the petitioner has been implicated in the present case by the

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informant and the police, since he is an accused in six other cases of different natures, in which the petitioner is on bail in three cases, however in three other cases i.e. Nirmali P.S. Case No. 26 of 2025, Nirmali P.S. Case No. 02 of 2025 and Nirmali P.S. Case No. 08 of 2025, the bail petition of the petitioner is pending for consideration. He lastly submits that the petitioner is in custody since 20.04.2026.

5. *Per contra,* the learned A.P.P. appearing on behalf of the State, while opposing the prayer for bail of the petitioner submits that the petitioner has been named as an accused in the present case and it was the petitioner who pointed a pistol on the informant and snatched his motorcycle, therefore the petitioner does not deserve the privilege of bail. He next submits that the petitioner is an accused in six other cases.

6. Having considered the rival submissions and after going through the records, it appears that vide order dated 16.09.2026 passed in this case, a report was called for from the Court of learned Chief Judicial Magistrate, Supaul in connection with Supaul Nadi P.S. Case No. 120 of 2025. In compliance thereof, the report dated 19.09.2026 is record, which suggests that the case is pending for prosecution evidence and total seven witnesses has to be examined, however none of the witnesses

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have been examined on behalf of the prosecution. The learned Judicial Magistrate First Class, Supaul, has stated that the trial is expected to be completed within a period of six months. From perusal of the materials available on record as well as from the case diary, it would transpire that the petitioner has confessed to the crime in question in his confessional statement which in at paragraph no. 158 of the case diary, wherein he has stated that he along with Vikash Kumar and Shivbhajan Yadav had looted the Hero splendor motorcycle of the informant and fled to Nepal. The witnesses in the case diary have also supported the case of prosecution and further the petitioner is an accused in six other cases. Considering the materials available in the case diary as well as the report received from the learned Judicial Magistrate, First Class, Supaul, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail petition of the petitioner is hereby rejected.

shital/- **(Ritesh Kumar, J)**

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