IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64283 of 2026

CNR No. BRHC010881252026

Arising Out of PS. Case No.-55 Year-2026 Thana- RAJEPUR District- East Champaran

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Pawan Kumar, S/o Chandra Mohan Singh, R/o vill - Fatehpur, P.S.- Rajeput, Distt.- East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Navendu Kumar, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL ORDER

4 29-10-2026 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 Rajepur P.S. Case No. 55 of 2026, registered for an offence under Sections 137(2), 140(3), 140(1) and 3(5) of the B.N.S., 2023.

3. As per the prosecution story, which has been lodged on the basis of written report submitted by the informant to the effect that the petitioner along with two other accused persons called the son of the informant on his mobile number and called him to Parsonia Chowk. The son of the informant went there on his motorcycle. It has further been alleged that on 04.03.2026 at around 00:45 hrs, the last call from co-accused Anand Kumar's

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mobile was made to one Gulshan Kumar and thereafter, no call was made from that mobile number. It has further been alleged that Anand Kumar has got criminal antecedent and the informant went to the house of Anand Kumar, however his house was found to be locked and no contact was made on the mobile number of said Anand Kumar. The informant apprehended that her son, Abhishek Kumar has been kidnapped with an intention to kill him. On the basis of the written report submitted by the informant, the present first information report has been lodged.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He has been falsely implicated in the present case only on suspicion, since on the date of occurrence, he called on the mobile of the son of the informant. He submits that, during course of the investigation, co-accused Himanshu Kumar was apprehended and he during course of interrogation, in his confessional statement stated that all of them, i.e., the co-accused Himanshu Kumar, Anand Kumar, the petitioner and the son of the deceased had consumed liquor and ganja, thereafter, the petitioner left the place of occurrence and thereafter, he along with Anand Kumar killed the son of the informant. The

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learned counsel for the petitioner next submits that so far the co-accused Anand Kumar is concerned, he has been granted privilege of regular bail by an Hon'ble Single Judge vide order dated 13.10.2026 passed in Cr. Misc. No. 65268 of 2026. He further submits that the petitioner without any criminal antecedent is languishing in judicial custody since 07.03.2026.

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 along with two other accused persons called on the phone of the informant and thereafter, the son of the informant went to meet them, however, he never returned. He submits that the last seen theory is there and in view of the last seen theory, the petitioner is also involved in the crime in question.

6. Having considered the rival submissions and after going through the records, it appears that the petitioner along with two other accused persons , namely, Himanshu Kumar and Anand Kumar, called on the mobile number of the son of the informant, upon which he reached at the place of occurrence. Thereafter, he never returned. During course of investigation, co-accused Himanshu Kumar was apprehended and he disclosed before the police that the petitioner, after

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consuming liquor went from the place of occurrence and thereafter, he along with Anand Kumar killed the son of the informant. Further, co-accused Anand Kumar has been granted bail by an Hon'ble Single Judge of this Court vide order dated 13.10.2026 passed in Cr. Misc. No. 65268 of 2026. Considering the confessional statement of co-accused Himanshu Kumar, coupled with the fact that co-accused Anand Kumar has been granted bail by an Hon'ble Single Judge of this Court and to maintain judicial parity and uniformity, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of District & Additional Sessions Judge-21, East Champaran, Motihari, in connection with Rajepur P.S. Case No. 55 of 2026, subject to the condition as laid down under Section 437(3) of the Code of Criminal Procedure/480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with following condition:

The Court concerned shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the Court concerned shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of

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the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J)

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