IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75607 of 2026

CNR No. BRHC011074602026

Arising Out of PS. Case No.-219 Year-2025 Thana- DARIYAPUR District- Saran

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Akhilesh Rai S/o Uma Rai Resident of Village- Chakjalal, P.S.- Dighwara, District- Saran at Chapra

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Udai Shankar Singh, Adv.
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

2 28-10-2026 Heard the learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with Dariyapur P.S. Case No. 219 of 2025, registered for the offences punishable under Sections 123, 105 and 3(5) of the B.N.S.

3. As per the allegations contained in the FIR, on 22.04.2025, at about 08:00 p.m., the informant's husband, namely, Abhay Kumar Sharma @ Mannu Sharma, was taken away by the co-accused, Jitendra Rai. Thereafter, at about 09:00 p.m. on the same day, the informant received a phone call from an unknown mobile number, i.e., 8777489020, and the caller

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informed her that her husband was at his house and was safe. On the following morning, at about 05:00 a.m., the informant came to know from some persons that the dead body of her husband was lying at Deuki Vidyalaya in Chakjalal village. Upon making inquiries, she came to know that the alleged occurrence had been committed by the co-accused, Sanjay Thakur and Mamta Devi, in collusion with Jitendra Rai. It is further alleged that Akhilesh Rai (the petitioner), was also seen at the place of occurrence along with the other co-accused. It is further alleged that a C.N.G. tempo bearing Registration No. BR31-PB-2940 was also involved in this case.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. He next submits that there is no specific or direct allegation against the petitioner, rather, the specific allegation has been levelled against the co-accused, namely, Jitendra Rai. He further submits that no incriminating material has been recovered from the conscious possession of the petitioner to indicate his involvement in the alleged crime. Learned counsel next submits that the petitioner and the deceased, Abhay Kumar Sharma @ Mannu Sharma, were known to each other from before, as both were tempo drivers.

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He further submits that on the date of the alleged occurrence, the petitioner saw the deceased in a drunken state along with the co-accused, Jitendra Rai. Thereafter, the petitioner tried to contact the informant on her mobile phone to inform her about the condition of her husband, but her phone was unreachable. The petitioner then contacted the informant's elder sister and informed her that the deceased was in a drunken state with the co-accused, Jitendra Rai. He further submits that the informant has falsely stated in her written application that she received a phone call from an unknown mobile number, i.e., 8777489020, informing her that her husband was at his house and was safe. He lastly submits that there was a previous dispute between the deceased and the co-accused, Jitendra Rai, whereas the petitioner had no enmity with the deceased. He next submitted that one co-accused against whom the direct and specific allegation has been made, namely, Jitendra Rai, has already been granted bail by co-ordinate Bench of this Court vide order dated 24.06.2026 passed in Cr. Misc No. 18265 of 2026. It is lastly submitted that the petitioner is in judicial custody since 04.02.2026 and he has one antecedent in which he is on bail.

5. On the other hand, the learned APP for the State and the learned counsel for the informant have opposed the

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prayer for bail.

6. Considering the facts and circumstances of the case, as well as the viscera report, which was taken into consideration by the learned Co-ordinate Bench of this Court, it appears that the deceased died due to the consumption of excessive liquor coupled with the fact that the one co-accused namely, Jitendra Rai, has already been granted bail by co-ordinate Bench of this Court vide order dated 24.06.2026 passed in Cr. Misc No. 18265 of 2026, let the above named petitioner be released on 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 J.M.F.C., Saran at Chapra, in connection with Dariapur P.S. Case No. 219 of 2025, subject to the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) If the petitioner tamper with the

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evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

(Girijish Kumar, J)

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