

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81363 of 2025

Arising Out of PS. Case No.-396 Year-2024 Thana- MANER District- Patna

ABHISHEK KUMAR @ NINI @ CHHOTU KUMAR Son of Late Durga Rai @ Daroga Rai Resident of Village- Milkipar, P.S.- Shahpur at Present Neora, District- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Kant Kumar, Advocate
For the State	:	Mr. Kalyan Shankar, APP
For the Informant	:	Mr. Virendra Kumar, Advocate
	:	Mr. Ashok Kumar Sinha, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 18-02-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 363 and 365 of the Indian Penal Code, later on Section 302, 201 and 34 of the I.P.C. was added.

3. As per the prosecution case, the petitioner along with other co-accused persons is accused of assaulting and killed the deceased.

4. The learned counsel for the petitioner submits that the name of the petitioner has been taken along with one Suraj Tiwari with the allegation that they had called the



deceased from his house and taken him away for some party. However, the dead body of the deceased was recovered on the next day and the petitioner is not responsible for the death of the deceased as it is only a case of last seen and there is no eye-witness to the occurrence. It has also been submitted that the deceased was of a criminal background and as such, he had several enemies and his death could be result of enmity with other persons. The petitioner is in custody since 04.07.2025 and the charge-sheet has been submitted.

5. Learned APP for the State as well as learned counsel for the informant opposed the grant of bail on the ground that not only there are allegations made in the First Information Report but also materials have transpired during the course of investigation in the form of confessional statement of co-accused. Further, the trial has also commenced and two witnesses have already been examined and the prayer of bail of similarly situated co-accused, Suraj Tiwary has already been rejected by a Co-ordinate Bench of this Court vide order dated 02.07.2025 passed in Cr. Misc. No.83676 of 2024.

6. Taking into consideration the facts and circumstance and also considering the fact that the trial has also



commenced and two witnesses have already been examined, as such, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected in connection with Maner P.S. Case No.396 of 2024.

7. However, since the informant had admitted in the said order dated 02.07.2025 that rest of the three witnesses would be examined on the dates fixed in the case but it seems that they have still not been examined, as such, the learned Trial Court is directed to take all coercive processes for getting the prosecution witnesses examined and concluding the trial expeditiously.

(Soni Shrivastava, J)

anand/-

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