

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.405 of 2026

Arising Out of PS. Case No.-446 Year-2025 Thana- MANJHI District- Saran

Ajay Kumar Rai S/o Hiralal Rai R/o village - Gandhi Chowk, P.S - Chapra
Town, District – Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 10-03-2026 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Manjhi
P.S. Case No. 446 of 2025 instituted for the offences under
Sections 109(1), 132, 3(5) of the Bharatiya Nyaya Sanhita,
2023, u/s 25(1-B) (a), 26/27 of the Arms Act and Section 30(a)
of the Bihar Prohibition and Excise Act.

3. Prosecution story, in short, is that on secret
information, police chased a boat allegedly carrying illegal
liquor, where the accused allegedly fired at the police and were
apprehended and recovery of two country-made pistols and four
live cartridges were made. It is further alleged that from the
boat, 752.600 litres of liquor and other articles were allegedly



recovered and seized.

4. Learned counsel for the petitioner submitted that petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against these petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that petitioner was not present on the spot, rather his name was disclosed by the apprehended coaccused person. He further contended that the allegation of firing is against co-accused person. It has been submitted on behalf of the petitioners that the petitioner is in custody since 09.12.2025 and has no criminal antecedent. Learned counsel for the petitioner further submits that other co-accused has been granted bail by this Bench vide order dated 20.02.2026 passed in Cr. Misc. No. 12 of 2026. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, *after framing*



of charge, if not already framed, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Manjhi P.S. Case No. 446 of 2025, subject to the following conditions:

(I) One of the bailors shall be the petitioner's own or close member.

(II) The petitioner shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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