

In the Court of Sessions Judge, Vaishali

B.P. No. 457/2026

1. Abhiraj Kumar @ Sadhu @ Abhimanyu Kumar, aged about 30 years, S/o Late Maheshwar Singh,
2. Sanjay Kumar @ Sanjay Singh, aged about 30 years, S/o Late Maheshwar Singh,
Both Resident of village & P.O. – Chechar, P.S. - Bidupur, District – Vaishali.

: - Petitioners

Versus

State of Bihar

: - O.P.

Appearance :-

Learned counsel for the petitioner : - Sri Pramod Kumar Singh, Advocate

Learned P.P. for the State : Sri Shyam Babu Rai, P.P.

Present : Harshit Singh,
Sessions Judge, Vaishali.

Date of order : 16th April 2026

The regular bail petition of the above named accused petitioners has been filed u/s 483 of B.N.S.S., petitioner no. 1 is in judicial custody since 15.01.2026 and petitioner no. 2 is in judicial custody since 12.02.2026, in connection with Bidupur P.S. Case No. 708/2025 registered u/ss. 103(1) of B.N.S.

Heard the learned counsel for the accused petitioner and learned Public Prosecutor for the State and perused the record.

It is stated in Para 2 of the bail petition that earlier no bail application either anticipatory or regular has been filed on behalf of the petitioner before this court of sessions or before the Hon'ble High Court, Patna. It is stated in para 3 of the bail petition that petitioner no. 1 is an accused in Binodpur P.S. Case No. 331 of 2018, u/ss 302 of I.P.C. and allied section and in the same case, petitioner no. 1 is on bail. Petitioner no. 2 Sanjay Kumar @ Sanjay Singh is an accused in Bidupur P.S. Case No. 331 of 2018, u/ss 302 of I.P.C., and allied section & (ii) Bidupur P.S. Case No. 72 of 2016, u/ss 323, 325, 341, 447 of I.P.C. & in both cases the petitioner is on bail.

The prosecution case in brief, as per fardbayan of the informant is that on the night of 18.12.2025, Mithlesh Kumar Singh, was murdered and his dead body was

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thrown in the field of Manoj Malakar in village Chechar. At the time of occurrence, informant Akhilesh Kumar Singh, brother of the deceased, was in Mysore, Karnataka. He was informed about the murder by his mother Jaymala Devi. On receiving information, the informant informed the administration. Police reached village Chechar, conducted inquiry at the spot, and sent the dead body of Mithlesh Kumar Singh to Hajipur Sadar Hospital for postmortem. Prior to the occurrence, the deceased had a quarrel with Abhinav Kumar @ Sadhu and Sanjay Kumar. During that quarrel, both accused had threatened to kill the deceased and dispose of his body.

Learned counsel for the petitioners submits that the petitioners are innocent, have committed no offence and they have falsely been implicated in this case only on mere suspicion. It has been further submitted by the Ld. Counsel on behalf of the petitioners that the informant Akhilesh Kumar Singh is not an eye-witness to the occurrence. This fact is evident from the FIR itself that on the day of occurrence he was in Mysore, Karnataka on the date of occurrence and got information from his mother. The alleged occurrence is of 18.12.2025, whereas the written complaint/FIR was lodged on 24.12.2025. There is an inordinate and unexplained delay of 6 days in lodging the FIR, which creates doubt on the prosecution story and shows afterthought and consultation. The deceased Mithlesh Kumar Singh was a criminal and several cases were lodged against him. He was also a heavy drinker. Due to his criminal background and drinking habit, he had enmity with several unknown persons. There is strong possibility that unknown persons have killed the deceased. Only on the basis of suspicion and prior quarrel, the petitioners have been named in this case. From the entire prosecution story, no ingredients of offence punishable u/s 103(1) of B.N.S. are made out against the petitioners. There is no direct or circumstantial evidence to connect the petitioners with the alleged murder. On these grounds, prayer has been made to enlarge the petitioners on bail.

The learned Public Prosecutor for the State opposed the prayer for bail.

Heard both the parties and perused the materials available on the record, it appears that there is specific allegation against both petitioners is of committing

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murder of deceased Mithlesh Kumar Singh on 18.12.2025. From further perusal of case record, it also transpires that earlier the deceased had a quarrel with both petitioners, namely Abhiraj Kumar and Sanjay Kumar. During that quarrel, both accused had threatened to kill the deceased and dispose of his body. The manner of recovery of the dead body from the field corroborates the prior threat extended by the petitioners. The offence u/s 103(1) of B.N.S. is heinous in nature, punishable with death or life imprisonment. From further perusal of the FIR of informant Akhilesh Kumar Singh, it transpires that there was prior enmity between the deceased and both the petitioners. The statement of the informant finds prima facie corroboration from the post-mortem report of deceased alleged to be caused by the accused persons which are:-

Left index finger lacerated wound of length 2 cm width 1 cm and depth 1 cm. Mouth open, eye closed. Swelling left forearm. Abrasion on left wrist. Lacerated wound on left legs-Length 2 cm width 1 cm depth 0.5 cm. Superficial burn left forearm. The cause of death is reserved till forensic examination report.

Therefore, considering the aforesaid facts, circumstances of the case as well as gravity of the offences, this court does not inclined to enlarge the accused petitioners on bail. Accordingly regular bail petition of the above named accused petitioners is rejected.

(Dictated)

(Harshit Singh)
Sessions Judge, Vaishali