

In the Court of Sessions Judge, Vaishali
A.B.P. No. 1190/2026

1. Abhay Kumar, aged about 24 years, S/o Poshan Singh, Resident of Village Haujpura, P.S. Vaishali, District-Vaishali.

Verses	-	Petitioner
State of Bihar	-	O.P.

Appearance :-

Learned counsel for the petitioner : - Sri. Pramod Kumar, advocate.
Learned P.P. for the State : - Sri Shyam Babu Rai,

Present : Harshit Singh,
Sessions Judge, Vaishali.

Date of order: -5th May 2026

Heard the learned defence counsel as well as learned Public Prosecutor on the anticipatory bail application filed on behalf of the above named accused petitioner under section 482 of B.N.S.S. who is apprehending his arrest in connection with Vaishali P.S. Case No. 128/2024 registered u/ss. 302, 201/34 of I.P.C.

It is stated in Para 2 of the anticipatory bail petition that earlier no bail application either anticipatory or regular has been filed in the present case either before this court of Sessions or before the Hon'ble High Court, Patna.

The prosecution case, in brief, is that informant namely Rani Kumari is the legally wedded wife of Ratnesh Kumar. On 30.03.2024 at about 10:00 A.M., the informant returned from her parental home to her matrimonial home at Vishunpur Paltu. On not finding her husband at home, she inquired about his whereabouts from the in-laws/family members present there. Whereupon, the following accused persons namely Rahul Kumar, Abhay Kumar, Veena Devi, Akash Kumar, in furtherance of their common intention, unanimously and jointly stated that they have committed the murder of her husband Ratnesh Kumar and have concealed/disposed off the dead body. The accused persons further criminally intimidated the informant by stating that she would also be killed in the same manner as her husband. Due to fear and apprehension of death, the informant fled from her matrimonial home and took shelter at her sister's house. Thereafter, she informed her parents about the entire occurrence.

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The learned counsel on behalf of petitioner has submitted that petitioner is quite innocent, committed no offence and he has falsely been implicated in this case due to dirty village politics. It is submitted by the Ld. Counsel on behalf of the petitioner that the petitioner has been permanently residing in Ghaziabad, and his Aadhar Card bears the address of Ghaziabad. The petitioner only occasionally visits his native home, and on the date of occurrence, the petitioner was not present in Vaishali District. The fact is that the petitioner is the maternal cousin (mausera brother) of co-accused Rahul Kumar. Due to this relationship, the informant has falsely implicated the petitioner in the present case. There is no direct or indirect allegation levelled against the petitioner. There is no eyewitness to the occurrence, and suspicion, however strong it may be, cannot take the place of proof. Besides this there is no any criminal antecedent against the petitioner prior to this case. Hence, a prayer has been made to allow this anticipatory bail petition.

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

Heard both the parties and perused the case diary and other materials available on record. From perusal of the materials on record, it transpires that the petitioner along with other accused persons have killed informant's husband and disappeared his dead body. The informant in her re-statement in Para 2 of the case diary has stated that the accused persons were involved in business of liquor which was opposed by and there was land dispute so, they killed her husband and disappeared his dead body. The place of occurrence is house of informant's husband/deceased as mentioned in para 5 of case diary. The witnesses have supported the occurrence in her statement vide para nos. 6, 7 and 8 of case diary. It also transpires from para 115 of the case which mentions, the confessional statement of accused persons namely Rahul Kumar, Veena Devi and Akash Kumar, in which they have stated that the deceased committed suicide because altercation/hot talk exchanged with the deceased for

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05.05.2026 construction of house and due to fear, they burnt the dead body of deceased secretly to save themselves. It also transpires from perusal of para 119 of the case diary that on the instance of other accused persons of this case namely Rahul Kumar and Akash Kumar, the I.O. of the case reached at the place of occurrence where all the accused persons burnt the dead body but nothing was recovered due to bad weather. The investigation against the co-accused persons has been completed and the investigation against the petitioner is under process. The petitioner is the named accused in F.I.R. and his name also reflects in the confessional statement of the co-accused persons against whom the investigation has been completed and charge-sheet has been submitted against them.

Therefore, considering the aforesaid facts, circumstances of the case as well as nature of the allegations, this court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Dictated)

(Harshit Singh)
Sessions Judge, Vaishali