



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL No. ____/2026
[Arising out of SLP (Crl.) No.5711/2026]**

**AKSHAY KUMAR
@ AKASH KUMAR @ SURAJ APPELLANT**

VERSUS

THE STATE OF BIHAR RESPONDENT

ORDER

1. Leave granted.
2. The High Court of Judicature at Patna, by the impugned judgment and order dated 10th February, 2026, has rejected the appellant's

second prayer for grant of bail.

3. Appellant, figuring as an accused in FIR No.5102005250041 of 2025 dated 11th February, 2025 registered at Police Station Bachhwara, District Begusarai, Bihar under Sections 310(4), 310(5), 338, 336(3), 340(2), 317(2), 317(3) and 317(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 25(1-B)(a), 26 and 35 of the Arms Act, 1959, was arrested on 10th February, 2025.

4. We have heard learned counsel for the parties.

5. Upon completion of investigation, chargesheet has been filed and the charges have also been framed on 05th December, 2025. Prosecution proposes to examine 7 (seven) witnesses to drive home the charges against the appellant; however, evidence of only 1 (one) witness appears to have been recorded till date. Thus, the trial is likely to take some time to

conclude.

6. Further, out of the 7 (seven) witnesses, only 1 (one) witness is not a public witness. Question of influencing the witnesses is thus remote.

7. Also, the appellant is the only one out of thirteen accused who is not on bail. He is, thus, entitled to claim parity.

8. Taking an overall view of the matter, we are of the considered opinion that further detention of the appellant pending trial is not necessary; and, since the appeal deserves acceptance, the appellant may be admitted to an order for grant of bail.

9. Accordingly, we set aside the impugned judgment and order.

10. Appellant shall be released on bail, subject to furnishing of bail bonds to the satisfaction of the trial court and subject to such other terms and conditions as may be imposed by it.

11. Needless to observe, the appellant shall not,

directly or indirectly, by making inducement, threat or promise, dissuade any person acquainted with the facts of the case from disclosing such facts to the court.

12. In the event there is any breach of the terms and conditions for grant of bail, the trial court shall be at liberty to cancel the bail of the appellant.

13. It is also ordered that the appellant shall diligently attend proceedings of the trial, unless exempted. If he abstains from attending the proceedings without justifiable cause, that could also be seen as breach of the conditions for grant of bail and the trial court will be free to pass appropriate orders.

14. We clarify that the observations made in this order and grant of bail will not be treated as findings on the merits of the case.

15. The appeal is, accordingly, allowed on the aforesaid terms.

16. Pending application(s), if any, shall stand disposed of.

.....J.
(DIPANKAR DATTA)

.....J.
(SATISH CHANDRA SHARMA)

**New Delhi;
May 04, 2026.**

ITEM NO.6

COURT NO.8

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.)
No.5711/2026

[Arising out of impugned final judgment and order
dated 10-02-2026 in CRMN No.65995/2025 passed by
the High Court of Judicature at Patna]

AKSHAY KUMAR @ AKASH KUMAR
@ SURAJ

Petitioner

VERSUS

THE STATE OF BIHAR

Respondent

FOR ADMISSION and I.R.

I.A. No.97843/2026-EXEMPTION FROM FILING O.T.

Date : 04-05-2026 This matter was called on for
hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) : Mr. Subhro Sanyal, AOR
Ms. Deepmala, Adv.
Mr. Sagar Roy, Adv.
Mr. Anki Kashyap, Adv.
Mr. Pradeep Kanthed, Adv.
Mr. A. Srinivas Rao, Adv.
Mr. Bholletaguru Phaneendra,
Adv.
Mr. Satya Dev Singh, Adv.
Mr. Yashpal, Adv.

For Respondent(s) : Mr. Anshul Narayan, Addl.

**Standing Counsel, Adv.
Mr. Anshuman Harsh, Adv.
Mr. Prem Prakash, AOR**

**UPON hearing the counsel the Court made
the following**

O R D E R

1. Leave granted.
2. The appeal is allowed in terms of the signed order.
3. Pending application(s), if any, shall stand disposed of.

**(MANIK KUMAR) (SUDHIR KUMAR SHARMA)
SENIOR PERSONAL ASSISTANT COURT MASTER (NSH)
(signed order is placed on the file)**