

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3951 of 2025

Arising Out of PS. Case No.-265 Year-2024 Thana- NAUTAN District- West Champaran

Nitish Sahani @ Rohit Raj @ Nitish Kumar @ Rohit Sahani Son of Late
Madan Sahani Resident of Village - Dakshini Teluha, Police Station - Nautan,
District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bashistha Narayan Mishra, Adv
Mr. Sachidanad Rai, Adv
For the Opposite Party/s : Ms.Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 12-05-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner is in custody in connection with
Nautan P.S Case No. 265 of 2024 registered for the offences
punishable under Sections 140(1), 3(5) of BNS later on Sections
103(1). 238 of BNS was added.

3. As per prosecution case in brief, is that on
07.07.2024, the son of the informant's brother-in-law, namely
Nitish Kumar @ rohit Sahani had talked with his phone and
called them to attend his marriage on 12.17.2024. Informant's
son Nikhil on 09.07.2024 arrived at Telua. It is alleged that the
accused persons of the case gave threats and asked to execute
sale deed with respect to his share of land otherwise they would



kill him. It is further alleged that son Nikhil was missing since the night of 13.07.2024.

4. Learned counsel for the petitioner submits that petitioner is innocent and have falsely been implicated in this case. He also submits that allegation against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioner is named in the F.I.R. He further submits that there is no specific overt act against the petitioner. He next submits that only on the basis of confessional statement of co-accused Rita Devi, petitioners have been made accused in the present case. The story behind the occurrence has come out on the confessional statement of the co-accused namely Rita Devi which does not corroborate with the prosecution story and the same states that there was love affair between the daughter of Rita Devi and the deceased namely Nikhil Kumar and when the husband of Rita Devi and her brother in laws and father in law caught the deceased namely Nikhil Kumar and the daughter of Informant in an objectionable situation then all of them got angry and had killed the deceased by pressing his neck and afterwards they had hidden the dead body of the deceased. The petitioner is in custody since 04.10.2024 have four criminal antecedents as mentioned in Para-3 of this application. He



further submits that other co-accused has been granted anticipatory bail vide order dated 14.02.2025 in Cr. Misc. No. 87186 of 2024.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, case diary and impugned order dated 03.12.2024, it appears that no witnesses has supported the allegation of involvement of the petitioner in the present case. His name has figured only on the basis of suspicion. Moreover, other named accused persons has been granted anticipatory bail by the co-ordinate Bench of this Court and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the learned counsel for the petitioner, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah in connection with Nautan P.S Case No. 265 of 2024.

(Ramesh Chand Malviya, J)

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