

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12866 of 2025

Arising out of PS. Case No.-387 Year-2024 Thana- KHAGAUL District- Patna

Himanshu Narayan @ Nikhil Kumar S/o Sri Yogendra Narayan Pandit Resident of Village- New Sabajpura, P.S.- Phulwari Sharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. kalyan Shankar, Advocate
		Ms. Smita Kumari, Advocate
For the Informant	:	Mr. Ganesh Prasad Yadav, Advocate
For the State	:	Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 10-07-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the state.

2. The petitioner seeks bail in a case instituted for the offences under Sections 103(1) and 61(2) of the BNS. He has no criminal antecedent.

3. As per the prosecution case, the informant alleged that his son was brought home with a leg injury carried by Nikhil Kumar (Petitioner) and co-accused Mukesh Kumar and it is suspected that his son was killed by the Petitioner and said Mukesh Kumar. The two person then fled away on the pretext of calling an ambulance.

4. It is submitted by learned counsel for the petitioner



that the petitioner has falsely been implicated in this case and there is no eye-witness to the occurrence. It is further submitted by learned counsel for the petitioner that the dead body of the son of the informant was found in an injured condition at the railway line. The nature of injury sustained by the son of the informant suggests that he met with an accident carrying injury only on right side of his body. It is also submitted that the post-mortem report suggests that the injury is on leg and not on any vital part of the body and the conduct of the Petitioner that they brought the injured home speaks about their innocence. It is next submitted by learned counsel for the petitioner that the charge-sheet has already been submitted in this case and the trial has already begun. It is lastly submitted that the petitioner has no criminal antecedent and is in custody since 29.10.2024.

5. Learned Additional Public Prosecutor for the State as well as learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner and has submitted that the petitioner along with other has brought the son of the informant and then fled and they are involved in killing him as such the petitioner should not be released on bail.

6. Considering the aforesaid submissions of learned counsel and taking into account the fact that there is no eye-wit-



ness to the occurrence and the petitioner has no criminal antecedent and is in custody since 29.10.2024, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-V, Danapur, Patna in connection with Khagaul P.S. Case No. 387 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his crim-



inal antecedent, the court below shall take step
for cancellation of bail bond of the petitioner.
However, the acceptance of bail bonds in terms
of the above-mentioned order shall not be de-
layed for purpose of the same or in the name of
verification.

7. It is made clear that the observations, if any,
made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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