

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16621 of 2025

Arising Out of PS. Case No.-167 Year-2023 Thana- MURLIGANJ District- Madhepura

Nishtu KUmar @ Nistu Kumar @ Boua Yadav Son of Anil Yadav Resident of
Village- Pokhram, Ward No. 3, P.s.- Murliganj, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Adv.

For the Opposite Party/s : Mr.Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 01-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Murliganj P.S. case No. 167 of 2023 instituted for the offences under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution case, in short, is that the accused persons, including the petitioner came to the shop of the informant and demanded some articles from the grandson of the informant. It is further alleged that on the order of co-accused Himanshu Kumar, this petitioner fired on the informant's grandson, leading to his death.

4. This is the second attempt of the petitioner with a



prayer for bail. The petitioner has earlier moved before this Court for bail which was rejected on merit vide order dated 10.04.2024 passed in Cr. Misc. No. 5361 of 2024.

5. In compliance of the order dated 19.03.2025, a report with regard to present stage of trial has been received which has been kept at Flag 'T'.

6. The report of the learned Judicial Magistrate 1st Class, Madhepura dated 02.04.2025 shows that there are six witnesses to be examined in the present case and the next date is 04.04.2025.

7. Learned counsel for the petitioner submits that the petitioner is in custody since 01.08.2023. He further submits that the charge has been framed in this case but, the trial has not been commenced as yet and, as such, there is no likelihood of conclusion of trial in near future.

8. Considering the aforesaid facts and circumstances of the case especially taking into account that the trial has not been commenced as yet, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Murliganj P.S. case No. 167 of 2023, subject to the following



conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(iii) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Rudra Prakash Mishra, J)

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