

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24749 of 2025

Arising Out of PS. Case No.-158 Year-2024 Thana- GAMAHARIYA District- Madhepura

Nitish Kumar @ Niteesh Kumar S/O Pulendra Yadav R/O Vill.- Jogwani,
P.S.- Gamhariya, Dist.- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Gamharia P.S. Case No. 158 of 2024 registered for the alleged offences under Sections 126(2), 115(2), 103(1), 61(2) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the son of the informant was called out by the petitioner and co-accused Rupesh Kumar and in the evening, the informant received information about his son being admitted in Medical College, Madhepura. Subsequently, he died and the informant showed her suspicion that the petitioner and co-accused were involved in causing the death of son of the informant.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The date of occurrence is stated to be on 07.08.2024 and FIR has been lodged on 22.08.2024 without any explanation, even *fardbeyan* was recorded on 11.08.2024, which shows the FIR has been lodged after much deliberation and afterthought. Learned counsel further submits that there is no satisfactory explanation for the delay in lodging the FIR. There is no eye witness to the alleged occurrence. Learned counsel further submits that, in fact, the son of the informant met with an accident for which, he has been hospitalized and subsequently, he died and for this reason, the petitioner is not responsible in any manner. The petitioner is having clean antecedent. The petitioner is in custody since 19.10.2024 and charge-sheet has been submitted.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and further considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to 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, Madhepura/court concerned in connection with Gamhariya P.S. Case No. 158 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and 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.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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