

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40289 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- Kavaiya District- Lakhisarai

Nitish Kumar S/O Ganesh Ram R/O Kabaiya Road, Ward No. 32, P.S-
Kabaiya, Dist.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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

ORAL ORDER

3 18-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Kabaiya P.S. Case No. 08 of 2025, instituted for the offences
punishable under Sections 303(2), 317(4) and 318(2) of the
Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that the petitioner
is involved in theft of motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case due
to highhandedness of the police. No incriminating material has
been recovered from the conscious possession of the petitioner.



Learned counsel for the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused Pintu Kumar and the same has got no evidentiary value. The petitioner is in custody since 13.01.2025 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 30.04.2025 passed in Cr. Misc. No. 24127 of 2025. He further submits that the co-accused namely Lakshman Kumar has also been granted bail by this Court vide order dated 05.05.2025 passed in Cr. Misc. No. 26046 of 2025.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kabaiya P.S. Case



No. 08 of 2025.

8. Interlocutory application, if any, also stands disposed of.

(Rudra Prakash Mishra, J)

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