

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39125 of 2025

Arising Out of PS. Case No.-321 Year-2024 Thana- MURLIGANJ District- Madhepura

Nitish Kumar Yadav @ Paniyar @ Nitish Kumar, S/o Ganesh Yadav, R/o
Village- Arshi, Ward No 09, P.S.- Kashnagar Bazar, District-Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Murliganj P.S. Case No.321 of 2024 registered for the offences punishable under Sections 118(1), 109, 61(2) read with 3(5) of the Bhartiya Nyaya Sanhita-2023 (for short 'B.N.S.') and Section 27 of the Arms Act.

3. The accused/petitioner is not named in the FIR and is in custody since 01.02.2025.

4. As per FIR, some miscreants opened fire upon informant causing bullet injuries on his head and chest.

5. It is submitted by learned counsel appearing for



petitioner that when the petitioner arrested in connection with Murliganj P.S. Case No. 599 of 2024, he self-confessed *qua* involvement in present case, in furtherance of which, no incriminating material recovered/surfaced during the course of investigation as to connect him with present occurrence. It is submitted that the petitioner was not put on TIP as yet despite of having all opportunities. It is further submitted that from impugned order, it transpires that though the petitioner was involved in firing from CCTV footage but, the said fact was not approved by injured during investigation, making allegation doubtful and moreover investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering of witnesses and, as such, keeping the petitioner behind bar shall not served any further purpose of justice.

6. Learned APP while opposing the prayer of bail submitted that from CCTV footage, it appears that this petitioner has opened fire upon informant.

7. In view of aforesaid factual submissions and by taking note of fact as *prima facie* CCTV footage not appears



to be approved by injured, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 01.02.2025, accordingly, 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 Judicial Magistrate-1st Class, Madhepura in connection with Murliganj P.S. Case No.321 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS') and with further conditions:-

(i) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(ii) That the petitioner shall not make any deliberate attempt to delay the trial failing which, the prosecution/State shall be at liberty



to press the petition before the learned trial court itself for cancellation of bail bonds of the petitioner.

(Chandra Shekhar Jha, J.)

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