

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43331 of 2025

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

Nitish Kumar @ Nitish Yadav Son of Sadanand Yadav Resident of Village-
Raibhir, Ward No. 7, P.s.-Shankarpur, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

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

ORAL ORDER

2 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, all the accused persons came to the shop of the informant and demanded some articles from the informant's grandson. In the meantime, Baua Yadav fired on the informant's grandson which hit him on his stomach resulting in his death.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case.



Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. The specific allegation of firing upon the deceased is attributed to the co-accused Baua Yadav. Learned counsel further submitted that charge-sheet has been submitted in this case and charge has also framed on 12.06.2025. It has been submitted on behalf of the petitioner that the petitioner is in custody since 01.08.2023 and has ten criminal antecedents. The co-accused person has already been granted bail by this Court vide order dated 24.08.2023 passed in Cr. Misc. No. 52951 of 2023.

5. Learned A.P.P. 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, claim based on parity as also 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.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 bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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