

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43273 of 2025

Arising Out of PS. Case No.-48 Year-2025 Thana- BAUNSI District- Araria

Nitish Sah @ Nitish Kumar S/o Naresh Sah R/o Village- Bausi, Ward No.11,
P.S.- Bausi, District- Araria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Ravish, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar No. 2, APP
For the Informant	:	Mr. Arun Kumar Mandal, Advocate

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

ORAL ORDER

4 17-09-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State. Perused
the case diary.

2. The petitioner seeks bail in connection with Bausi
P.S. Case No. 48 of 2025 instituted for the offences under
Sections 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case is that on 11.03.2025, while
returning from a Shradh ceremony, the informant's husband's
motorcycle collided with some local persons at village Bausi,
Ward No. 11. Following this, several persons including the
petitioner allegedly assaulted him, causing his death.

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



Learned counsel further submitted that there is a delay of five days in lodging the FIR without any plausible explanation, which in itself, raises doubt over the prosecution story. 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. Learned counsel further submitted that, as a matter of fact, the present case is a case of accidental death which has unfortunately been given the colour of a murder case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.04.2025 and has one criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, there being no direct material against the petitioner 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, ***after framing of charge, if not already framed***, 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 Bausi P.S. Case No. 48 of 2025, 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

