

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46297 of 2025

Arising Out of PS. Case No.-167 Year-2025 Thana- GARDANIBAG District- Patna

Nikhil Kumar Son of Ashok Tiwari @ Dharmendra Tiwari R/O- Gupta Niwas, Vigrahpur, Mithapur Bus Stand, Opposite of Gate No.- 2, P.S.- Jakkanpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 29-07-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Gardanibagh P.S. Case No. 167 of 2025, instituted for the offences punishable under Section 309(6) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that some unknown persons went to take medicine from the shop of informant and in the meantime on the point of pistol they assaulted the informant and looted Rs. 6500/- and mobile phone of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. 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, namely, Ashan Raj and the same has got no evidentiary value. It is next submitted that neither any recovery of any looted article has been made from the possession of the petitioner nor any T.I. parade has been conducted in this case. The petitioner is in custody since 08.03.2025 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 25.06.2025 passed in Cr. Misc. No. 38349 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. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of Court
below/concerned Court in connection with Gardanibagh P.S.
Case No. 167 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

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