

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51967 of 2025

Arising Out of PS. Case No.-22 Year-2025 Thana- AMNAUR District- Saran

Nitesh Kumar, S/o Late Mishrilal Singh, R/o Village-Majiya, P.S.-Kathara,
District- Vaishali (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Rajendra Prasad, Senior Advocate Mr. Pramod Kumar, Advocate Mr. Dhirendra Kumar, Advocate Mr. Ritesh Kumar, Advocate Ms. Srishti, Advocate
For the State	:	Mr. Uma Shankar Prasad Singh, APP
For the Informant	:	Mr. Aashish Kumar, Advocate Mr. Avinash Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 15-11-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State duly assisted by

learned counsel for the informant.

2. The accused/petitioner seeks bail in connection

with Amnour P.S. Case No.22 of 2025 registered for the

offences punishable under Sections 331(6), 103(1) and 61(2)

of the Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.').

3. The accused/petitioner is not named in the FIR

and is in custody since 07.02.2025.

4. As per FIR, named co-accused persons along

with 3-4 unknown persons committed murder of son of



informant while he was sleeping on the roof of house at about 11.30 A.M.

5. It is submitted by learned counsel appearing for the petitioner that the informant claimed herself to be an eye-witness of the occurrence and she subsequently stated that one Nitesh Kumar Singh and Ritesh Kumar, both son of Jamadar Singh, Rohit Kumar and Ankit Kumar and Raja Kumar committed murder of his son and when she went over roof, they left the place of occurrence. It is submitted that in view of statement of informant, it can be safely said that none-else than the above than five accused persons are involved in committing the offence.

6. While arguing further, it is submitted that the name of this petitioner transpired during investigation on the basis of suspicion arising out of Goraul Katahra P.S. Case No.384 of 2019 wherein this petitioner was made accused to outraging the daughter of informant, who subsequently, married with elder brother of the deceased. It is submitted that even after marriage, the relationship was continued and for the said suspicion only, the present false implication was



raised. It is submitted that the knife, which alleged to be recovered is on the basis of joint confessional statement and that too from an open wheat field, which make the recovery also doubtful and suggest the false implication of this petitioner. It is submitted that call details report, which suggest that petitioner was in talking term with wife of elder brother of deceased (Bhabhi) is only raising the suspicion and on the basis of call detail report and locations, he was only implicated to save the real culprit, who was named by the informant claiming eye-witness of the occurrence.

7. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. Petitioner found involved in two more criminal cases, where he is on bail.

8. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that on the instance of this petitioner, the knife was recovered. It is submitted that the jacket of petitioner was said to be recovered on the basis of confessional statement of wife of



elder brother of the deceased, who is also one of the co-accused of this case. It is conceded that without obtaining the FSL report of seized knife and jacket, the police submitted charge-sheet in this matter against this petitioner.

9. In view of aforesaid factual submissions and by taking note of fact as informant claimed herself to be an eye-witness of the occurrence, who is none but the mother of the deceased, failed to name this petitioner, where subsequently, on the basis of suspicion arising out of love affairs and call detail report, the petitioner appears *prima facie* implicated with present case, coupled with the fact that charge-sheet submitted without obtaining the FSL report, as submitted aforesaid, where petitioner remains in custody since 07.02.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Amnour P.S. Case No.22 of 2025, 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’).

(Chandra Shekhar Jha, J.)

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