

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51913 of 2025

Arising Out of PS. Case No.-49 Year-2025 Thana- GOGRI District- Khagaria

Nitish Kumar @ Nitish Yadav @ Nitesh Kumar @ Nitish Kumar Yadav Son
of Bhadai Yadav R/O Village- Madarpur, P.S.- Maheshkhut, District-
Khagaria Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Shrishti Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 19-11-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Gogri P.S. Case No. 49 of 2025 registered for the offences
punishable under Sections 126(2), 127(2), 115(2), 109, 308(5),
351(2), 3(5) of B.N.S. and 27 of the Arms Act.

3. As per prosecution case, co-accused Puran
Yadav, Aadarsh Kumar, Aman Kumar, Manjit Yadav and Nitish
Yadav (petitioner) called the son of the informant, namely
Amaresh Kumar Yadav, to the house of co-accused Puran Yadav
who shot at informant's son from his rifle which hit him on the
head, as a result of which he fell down unconscious. He was
taken to Sub-divisional Hospital, Gogri from where he was
referred to Begusarai. Co-accused Puran Yadav also threatened
the informant to shoot all the family members if they informed



the police about incident of firing upon Amaresh Yadav.

4. Learned counsel for the petitioner submits that, as per prosecution case, the only allegation against the petitioner is that he along with others called the informant's son to the house of co-accused Puran Yadav where co-accused Puran Yadav shot at his son from rifle which hit him on the head. There is no specific allegation levelled against the petitioner. Though the petitioner has criminal antecedent of six cases, but, in Maheshkhut P.S. Case No. 93 of 2019 he has been acquitted, Maheshkhut P.S. Case No. 116 of 2019 has been disposed of and he has been granted bail in Maheshkhut P.S. Case No. 61 of 2016. On similar and identical allegation, co-accused Aadarsh Yadav has already been granted bail by this Court vide Cr. Misc. No. 69771 of 2025 and on the principle of parity petitioner also deserves bail. Petitioner is in custody since 06.05.2025.

5. Learned counsel for the State vehemently opposed the prayer for bail and submitted that petitioner is the order giver and he cannot escape from the allegation made in the F.I.R. Apart from that he has criminal antecedent of six cases. Hence, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, no specific overt act is attributed against



the petitioner, co-accused has already been granted bail, charge-sheet has already been submitted, there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 learned Chief Judicial Magistrate, Khagaria in connection with Gogri P.S. Case No. 49 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(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.

(Alok Kumar Pandey, J)

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