

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50329 of 2025

Arising Out of PS. Case No.-275 Year-2024 Thana- KHANPURA District- Samastipur

Nitish Kumar W/o- Bindeshwari Prasad Yadav Village- Simraha Ps -Khanpur
Cistrict- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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

ORAL ORDER

3 12-09-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Khanpur P.S. Case No. 275 of 2024, instituted for the offences
punishable under Sections 109, 126(2), 115(2), 308(3), 118(1),
303(2), 117(2), 352, 351(2) and 3(5) of Bharatiya Nyaya
Sanhita, 2023

3. The prosecution case, in short, is that, the
informant was attacked by the petitioner along with other co-
accused persons who demanded money and looted Rs. 25,000/-
from him. The informant was brutally assaulted by the accused
persons by means of fists, sword and a firearm butt due to which
he sustained injuries.



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 neither the petitioner assaulted the informant nor he looted articles of the informant. There is no specific allegation against the petitioner, rather allegation is general and omnibus in nature. It is further submitted that co-accused, namely, Madan Prasad, Laxmi Prasad and Sujit Kumar assaulted the informant and committed loot from him. The petitioner is in custody since 11.06.2025 and has four criminal antecedents. Other co-accused has been granted bail by this Court vide order dated 26-03-2025, passed in Cr. Misc. No. 18489 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 as also claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail 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 Khanpur P.S. Case No. 275 of 2024, 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)

Raj Kishore/-

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