

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53852 of 2025

Arising Out of PS. Case No.-290 Year-2024 Thana- KAKO District- Jehanabad

Niraj Kumar S/o Sunil Prasad R/o Village - Bharthua, P.S- Kako, District -
Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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

ORAL ORDER

3 31-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in connection with
Kako (Bhelawar) P.S. Case No. 290 of 2024, instituted for the
offences punishable under Sections 103(1), 238 and 3(5) of the
Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that the accused
persons including the petitioner deceitfully taken the son of the
informant on the pretext of fixing electrical issue, and later on,
they murdered him by shooting and dumping his body on the
railway track.

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



present case. 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, Madan Kumar and the same has got no evidentiary value. There is no specific allegation levelled against the petitioner rather the same is general and omnibus in nature. It is next submitted that no material has been found from CDR of mobile against the petitioner. There is no any eye witness of the said occurrence. Earlier, UD case was registered and later on, the dead body was identified as the deceased, i.e. informant's son and a police case has been registered in this regard. The petitioner has got no criminal antecedent. Learned counsel for the petitioner further submits that other co-accused have been granted regular bail by this Court vide order dated 15.07.2025 passed in Cr. Misc. No. 20787 of 2025.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that the petitioner is not named in the FIR and his name has surfaced during course of investigation and there is sufficient material in paragraph nos. 213, 247, 248, 271, 276 and 290 of the case diary against the petitioner. Hence, the petitioner does not deserve the privilege of bail.



6. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. However, the petitioner is directed to surrender in the Court below and pray for regular bail. If any such application is filed, the Court below shall consider and dispose of the same on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Rajorshi/-

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