

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68367 of 2025

Arising Out of PS. Case No.-231 Year-2024 Thana- Ramgarh Chowk District- Lakhisarai

Nitish Kumar Son of Dharmendra Saw @ Dharma Saw R/o Village - Naya Tola Simri, P.S. - Bakhtiyarpur, Dist. -Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rashmi Sharma, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 19-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Ramgarh Chowk P.S. Case No. 231 of 2024 instituted for the offences under Section 309(4) of the B.N.S., 2023.

3. Prosecution case, in short, is that, when the informant was on his way, the unknown miscreants looted him of Rs. 20,000/-, a mobile phone and an ATM Card.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case during investigation. He further submits that there is delay of one day in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. No



incriminating article has been recovered from the conscious possession of the petitioner rather the looted items were recovered from the co-accused Ramji Saw, Dewanand and Shampoo Mahto. Learned counsel further submitted that petitioner has got no concern with the looted articles. It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.07.2025 and has fourteen criminal antecedents. Learned counsel for the petitioner again submits that the co-accused namely Devanand Kumar has been granted bail by this Court vide order dated 16.07.2025 passed in Cr. Misc. No. 21722 of 2025.

5. Learned A.P.P. 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 the period of custody undergone by the petitioner as also the prayer for bail being based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ramgarh Chowk P.S. Case No. 231 of 2024,



subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(iii) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found indulged in any criminal activity or commission of any crime after being released on bail, the prosecution will be at liberty to file an appropriate application before the court below for cancellation of his bail.

(Rudra Prakash Mishra, J)

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