

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1575 of 2025

Arising Out of PS. Case No.-143 Year-2024 Thana- SARMERA District- Nalanda

Nitish Kumar S/O Aanandi Das Resident of Village- Jagdishpur, P.S-
Jayrampur, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Kumar Singh, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-03-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Sarmera
P.S. Case No. 143 of 2024 registered for the offence under
Sections 103, 238, 61(2), 3(5) of B.N.S.S. Act.

3. The accused/petitioner is not named in the F.I.R. and
is in custody since 16.07.2024.

4. As per FIR, a suspicion was raised by the informant,
who is none but the wife of the deceased that named co-accused
persons, namely Sudhir Kumar and Manoj Kumar committed
murder of her husband due to previous enmity/land dispute.

5. Learned Counsel appearing on behalf of the petitioner
submitted that the name of petitioner surfaced during the course



of investigation on the basis of confessional statement of apprehended co-accused, namely Sumit Kumar. In this context, it is further submitted that the name of Sumit Kumar was also surfaced during the course of investigation out of confessional statement of named co-accused persons, namely Sudhir Kumar and Manoj Kumar, who in terms upon arrest, further confessed about involvement of this petitioner. It is submitted that in furtherance of said confessional statement no incriminating material recovered/surfaced during the course of investigation as to connect petitioner *prima facie* with the present occurrence of murder. It is submitted that the petitioner is also the resident of same locality, where the dead body of deceased was recovered and, therefore, mobile tower location near to the place of occurrence is very natural and on this score, no suspicion can be raised. It is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposed the prayer of bail.

7. Considering the above facts and circumstances and by taking note of fact as *prima facie* save and except suspicion arising out of confessional statement of co-accused, nothing



appears incriminating during investigation as to connect petitioner *prima facie* with the present occurrence of murder, who is a man of clean antecedent, coupled with the fact that investigation of this case is already completed, where petitioner is in custody since 16.07.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Sarmera P.S. Case No. 143 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Nalanda at Bihar Sharif/concerned Court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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