

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4738 of 2026

Arising Out of PS. Case No.-255 Year-2025 Thana- BARARI District- Katihar

Nitish Kumar Sharma S/o- Late Kishan Sharma R/v- Harinkol, Bishanpur,
Ward no 5, PS- Barari, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 31-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Barari P.S. Case No.255 of 2025 registered for the offence punishable under Sections 103, 238 and 3(5) of the BNS.

3. The case of the prosecution, in short, is that the deceased and the petitioner were seen by the villagers and they were caught. It is alleged that the deceased managed to flee away and the petitioner was caught by the villagers. He was also being assaulted. The deceased could not be searched. On 09.08.2025, the dead body of the deceased was found in the mango orchard hanging from a tree.

4. Learned counsel appearing on behalf of the petitioner has submitted that as per the case of the prosecution



the petitioner and the deceased were seen together and they were apprehended by the villagers. The deceased managed to flee away whereas this petitioner was being thrashed by the villagers and during course of investigation it has come that he was left as the *Sarpanch* has persuaded the villagers to leave him. Learned counsel for the petitioner has further submitted that during course of investigation it has come that there is no eye-witness to say that who has killed the deceased. Moreover, in this case police has filed charge-sheet under Section 108 of the BNSS and from perusal of the post-mortem report also it is clear that the doctor conducting autopsy has not found any ante-mortem injury except ligature mark and the cause of death is *asphyxia* due to hanging. Learned counsel for the petitioner has submitted that the petitioner is having no criminal antecedent and he is in judicial custody since 07.09.2025.

5. Countering this, learned counsel for the Informant has vehemently opposed the bail and has submitted that this petitioner has killed the deceased and only he is responsible for the death of the deceased as during course of investigation witnesses have stated that the petitioner was saying that if he is not left by the villagers, his friends will kill the deceased.

6. In any view of the matter, the post-mortem report



amply clarifies that the death was due to hanging.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the court of learned Chief Judicial Magistrate, Katihar in connection with Barari P.S. Case No.255 of 2025.

(Ashok Kumar Pandey, J)

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