

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9726 of 2026

Arising Out of PS. Case No.-256 Year-2024 Thana- SURYAGARHA District- Lakhisarai

Nitish Kumar Son of Dharamendra Saw @ Dharam Sao @ Dharamendra Sah
Village- Naya Tola Simri PS- Bakhtiyarpur Distt -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Sharma, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-04-2026 Heard Ms. Rashmi Gupta, learned counsel for the

petitioner and Mr. Gauri Shankar Gupta, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
20.11.2025 in connection with Surajgarha P.S. Case No. 256 of
2024, F.I.R. dated 02.09.2024 for the offences punishable under
Sections 303(2), 318(4) and 3(5) of the BNS, 2023.

3. According to prosecution case, this petitioner has
looted Rs. 32,000/- cash, mobile phone and documents kept in
the bag of the informant.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. Petitioner is not named in the FIR and his name
has been transpired during investigation on the basis of the



confessional statement of the co-accused, namely, Devanand Kumar which is recorded in paragraph no. 7 of the supplementary case diary. She further submits that nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. She further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 20.11.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries fourteen criminal antecedents other than the present one but fairly submits that he is on bail in eight cases and rest cases are pending for consideration before the competent Court of law.

6. Considering the aforesaid facts and circumstances that the petitioner is not named in the FIR, his name has been transpired on the basis of the confessional statement of the co-accused and till date no TIP has been conducted by the prosecution, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with



Surajgarha P.S. Case No. 256 of 2024, subject to the following conditions:-

i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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