

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12616 of 2026

Arising Out of PS. Case No.-90 Year-2025 Thana- CHAUTHAM District- Khagaria

Nitin Kumar @ Nitin Patel S/o Arun Singh R/o Village- Agrahan, P.S -
Chautham, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubham, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-04-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 103(1) and 61(2) of the
BNS, 2023 as well as Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner is in custody since 08.12.2025. It is further submitted
that the informant alleges that on 09.04.2024, at about 07:30
p.m., she along with her husband were coming back from her
parental home on a motorcycle when all of a sudden one
motorcycle came from behind and dashed the motorcycle of the
informant on account of which the husband of the informant fell
when all the accused persons started firing. It is further alleged
that the informant identified Ashish, Sonu and Ritesh all
resident of Medini Nagar. It is next alleged that Ashish shot the



husband of the informant on his temple causing injury and thereafter she saw Bijal Singh at the place of occurrence on hearing the sound of firing and thereafter informant's son and her nephew came from the warehouse and took the informant's husband to Nectar Hospital for treatment where he died during the course of treatment. It is also alleged that prior to this occurrence, Uday Singh and Raj Kumari Devi had threatened to kill the informant and her husband many a time and, thus, informant suspects that all the accused persons conspired to kill her husband.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that petitioner is not alleged to have fired at the husband of the informant but then has been made an accused with an allegation that in the conspiracy even petitioner was involved.

5. Learned counsel appearing on behalf of the petitioner fairly submits that petitioner has antecedent of ten cases on which learned A.P.P. points out that earlier when the petitioner had approached this Court seeking anticipatory bail by filing Cr. Misc. No. 44896 of 2025 and the same came to be



rejected by an order dated 11.09.2025 but in the order dated 11.09.2025 in Cr. Misc. No. 44896 of 2025, it was recorded that petitioner had antecedent of five cases but now it is being submitted that petitioner has antecedent of ten cases which amply demonstrates that petitioner on the earlier occasion when he was seeking anticipatory bail had not approached the Court with clean hands. It is further submitted that since name of the petitioner also finds recorded in the FIR though not as an assailant but as a conspirator but if privilege of regular bail is granted to the petitioner, the petitioner may abscond or try to tamper with the evidence since he is a person with ten criminal antecedents.

6. Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to release the petitioner on bail in connection with Choutham P.S. Case No. 90 of 2025 pending in the Court of learned District & Additional Sessions Judge-III, Khagaria/Successor Court.

7. Hence, the prayer for bail is rejected.

(Satyavrat Verma, J)

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