

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19265 of 2026

Arising Out of PS. Case No.-124 Year-2025 Thana- CHANAN District- Lakhisarai

Nitish Kumar S/o Late Anandi Mandal Resident of Village - Mahisona, P.S -
Tetarhat, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brajesh Sahay
	:	Ms. Urmilla
	:	Mr. Mandavi Kumari
	:	Mr. Umesh Prasad
For the Opposite Party/s :	:	Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-05-2026 Heard Mr. Brajesh Sahay, learned counsel for the

petitioner and Mr. Abhay Kumar, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
27.09.2025 in connection with Chanan P.S. Case No. 124 of
2025 for the offences punishable under Sections 126(2), 115(2),
109, 303(2) and 3(5) of BNS and Section 27 of the Arms Act.

3. The case of the prosecution, in brief, is that on the
basis of fardbayan of informant Omprakash Kumar @ Munna
and it has been alleged by the informant that on 21.09.2025
petitioner Nitish Kumar and informant went to place of
occurrence and there co-accused Vikash Kumar snatched mobile



phone and Rs. 900/- cash form informant and shot informant in his back due to informant sustained injury and later on he was admitted in the hospital by the chowkidar. After investigation charge sheet has been submitted against this petitioner and co-accused Vikash Kumar and also against petitioner Puja Kumari u/s- 126(2), 115(2), 109, 303(2), 3(5) B.N.S & 27 Arms Act. It appears from the case diary para 6 that informant has supported the allegation against the petitioner Nitish Kumar and he has stated that petitioner Nitish Kumar took informant to a river side and there co-accused shot informant. Further, as per case diary para no 47 petitioner had paid money to co-accused Vikash Kumar for committing murder of informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and has falsely been implicated in the present case. It is further submitted that the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR. It is next submitted that informant is brother-in-law of the petitioner. Learned counsel for the petitioner next submits that the trial has begun and the informant is deposed as PW-1 and he has not supported the case of the prosecution (Annexure-2). Apart from aforesaid, it appears from the FIR that there is no specific



allegation of assault attributed against the petitioner. It is next submitted that similarly situated co-accused person, namely, Vikash Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 16.03.2026 passed in Cr. Misc. No. 16599 of 2026 and the police after investigation has submitted charge-sheet and petitioner is in custody since 27.09.2025.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and that petitioner has clean antecedent and that the informant has not supported the case of the prosecution before the learned trial court, 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 District and Additional Sessions Judge-II, Lakhisarai in connection with Chanan P.S. Case No. 124 of 2025, 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)

Gaurav Sinha/-

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