

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24655 of 2026

Arising Out of PS. Case No.-26 Year-2025 Thana- Kanaria District- Saharsa

Nitish Kumar S/o Saheb Yadav @ Cheha Yadav @ Chahar Yadav R/o Village-
Sukhasan, PS- Kaneria, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-07-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
28.05.2025 in connection with Kaneria P.S. Case No. 26 of 2025
for the offences punishable under Sections 80(2) and 3(5) of
B.N.S.

3.The prosecution case in brief is that the informant
namely Nitish Kumar gave a written information to the S.H.O.,
Kaneria P.S. stating therein that he solemnized the marriage of
his sister namely Suchita Kumari with one Nitish Kumar Son of
Saheb Yadav at about two years earlier according to Hindu
custom and rituals on 03.03.2023 in which his father gave Rs. 6
Lakhs cash, 10 bhar (10 gram) gold, Plung, utensil and other
goods according to capacity and at about one year her conjugal
life spent happily and she gave birth a male child from her
wedlock but he died within 24 hours from his birth.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and is innocent and he 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 petitioner has been made an accused in the present case merely on the ground that petitioner is husband of the deceased. Learned counsel for the petitioner submits that trial has begun and informant has deposed as PW-3 on 17.02.2026 before the learned trial court and he has not supported the case of the prosecution and police after investigation has submitted charge-sheet and petitioner is in custody since 28.05.2025.

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 the fact that petitioner has clean antecedent and informant has not supported the case of the prosecution before the learned trial court as well as period of custody, 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-V, Saharsa in connection with Kaneria P.S. Case



No. 26 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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