

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32284 of 2026

Arising Out of PS. Case No.-481 Year-2025 Thana- DHANARUA District- Patna

Nitish Kumar Son of Late Madan Bind Resident of village - Ramjani Chak,
Police Station - Dhanarua, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Ms. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2026 Heard Mr. Vijay Kumar, learned counsel for the

petitioner and Ms. Gulnar Begum, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
20.02.2026 in connection with Dhanarua P.S. Case No. 481 of
2025 for the offences punishable under Sections 109(1), 103(2)
and 3(5) of the BNS.

3. The case of the prosecution, in brief, is that
informant Mithlesh Kumar, wherein prosecution story, in short,
besides the ancillary fact is that on 01.08.2025, 1. Nitish Kumar
2. Brajesh Kumar came over motorcycle and removed his cattle
and destroyed the cattle feeding container upon which his father
resisted and on same day at 06.00 PM, in pre-planned manner 1.
Nitish Kumar 2. Brajesh Kumar 3. Rajju Bind 4. Satrohan Bind



5. Madan Bind 6. Satyendra Bind 7. Abat Kumar, all of them attacked at his house and started assaulting his father with legs and fists and dragged him out from house and thereafter they indiscriminately slammed bricks, boulders, stones upon his chest due to which he started bleeding from his mouth and again Nitish Kumar as well as Brajesh Kumar slammed boulder on his chest due to which bleeding started profusely and he was taken to PHC Dhanarua with help of villagers from where he was referred to PMCH but he died at PMCH during treatment.

4. Learned counsel for the petitioner submits that petitioner 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. It is next submitted that it appears from the FIR that the petitioner is named in the FIR but there is no specific allegation of assault or overt act against the petitioner rather the allegations are general and omnibus in nature against all the accused persons including the petitioner. It is also submitted that as per the allegation as alleged in the FIR it appears that the petitioner and the co-accused persons have assaulted the father of the informant on his chest but the postmortem report of the deceased does not support the allegation as alleged in the FIR



that the petitioner and co-accused persons have assaulted on the chest of the father of the informant. Learned counsel for the petitioner next submits that the date of occurrence as per the FIR is 01.08.2025, fardbeyan has been recorded on 03.08.2025 and FIR has been instituted on 07.08.2025 i.e., after a delay of six days. It is next submitted that the co-accused person, namely, Brajesh Kumar Bind has been granted bail by a Coordinate Bench of this Court vide order dated 31.01.2026 passed in Cr. Misc. No. 82724 of 2025. Learned counsel for the petitioner submits that police after investigation has submitted charge-sheet and petitioner is in custody since 20.02.2026.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has participated in the present crime in question and petitioner has antecedent of one case other than the present case but fairly submits petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, 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 SDJM, Masaurhi, Patna in connection with Dhanarua P.S. Case No. 481



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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