

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36713 of 2026

Arising Out of PS. Case No.-125 Year-2026 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Nitish Kumar Son of Laila Paswan @ Lalu paswan Resident of village
-Bhusari, Ward No 17, PS -Samastipur Muffasil, District- Samastipur
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Abhay Shanker Singh, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP
For the Informant : Mr. Vivekanand Vivek, Advocate
Mr. Rang Nath Pandey, Advocate
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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-06-2026 Heard Mr. Abhay Shanker Singh, learned counsel

for the petitioner, Mr. Vivekanand Vivek, learned counsel for the

informant and Mr. Damodar Prasad Tiwary, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
15.03.2026 in connection with Samastipur Muffasil P.S. Case
No. 125 of 2026, F.I.R. dated 13.03.2026 for the offences
punishable under Sections 103(1), 238 and 61(2) of the BNS,
2023.

3. According to prosecution case, 15 named accused
persons took away husband of the informant and allegedly
killed him.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. Initially the petitioner was not



named in the FIR and his name has been transpired during investigation on the basis of confessional statement of co-accused Vikesh Paswan @ Malinga. He further submits that from perusal of paragraph no. 28 of the case diary it appears that the co-accused Vikesh Paswan @ Malinga has accepted that he has committed the present crime in question. Apart from that for the same set of allegation, co-accused Arjun Paswan @ Arjun Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 20.05.2026 passed in Cr. Misc. No. 34280 of 2026. He further submits that the co-accused Vikesh Paswan @ Malinga has not said anything about the petitioner that he was involved in the present crime in question. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 15.03.2026.

5. The learned counsel for the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner was involved in the present crime in question by disposing of the dead body of the deceased.

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 ACJM-II, Samastipur in connection with Samastipur Muffasil P.S. Case No. 125 of 2026, 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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