IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54326 of 2026

CNR No. BRHC010776582026

Arising Out of PS. Case No.-45 Year-2026 Thana- MANER District- Patna

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Nitish Kumar Son of Subhash Rai @ Subhash Makhiniya Resident of Village - Tata Colony, P.S.- Maner, District - Patna.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Dineshwar Pandey, Adv
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL ORDER

5 27-10-2026 Heard the learned counsel for the petitioner and the learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Maner P.S. Case No. 45 of 2026, registered for an offence under Sections 262, 109 and 132 of the B.N.S. & Section 25 (1-B)a, 26 and 27 of the Arms Act.

3. As per the prosecution story, which has been lodged on the basis of written report submitted by the informant to the effect that he proceeded for law and order duty along with police party at around 14:05 hrs. At around 14:20 hrs, while he was near Goraiya-asthan, he received a confidential information that the petitioner, who is an accused in Maner P.S. Case No. 28 of 2026 has went toward Ganga river on his motorcycle. To

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verify the authenticity of the said information and after informing the higher police authorities, the informant reached at the place of occurrence at around 14:40 hrs, however upon seeing the police party one person started fleeing on his motorcycle. He was apprehended and he disclosed his name as that of the petitioner. The motorcycle and mobile phone was recovered from him, which was duly seized. The petitioner disclosed his involvement in the loot and firing on the Jewellery businessmen, namely Sanjay Kumar Soni and he disclosed the name of his accomplice, who were also involved in the said crime. He disclosed that one of the accused, namely Sunny Kumar has fled towards Darveshpur after seeing the police party, therefore the informant along with the petitioner proceeded towards Darveshpur, however the said person was not found. The confessional statement of the petitioner was taken and he disclosed the name of his accomplice as well as the fact that the motorcycle, which was used in looting the Jewellery businessman Sanjay Kumar Soni was of his cousin brother, namely Sunny Kumar. He also disclosed the place where the arms has been kept and when the police party took him to the place, disclosed by him, for recovery of the arms, he took out the arms, which he had concealed at the place of

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occurrence and fired at the police party and he tried to flee away, however the police party also fired at him which hit him on his legs and he fell down on the ground. He was taken to Primary health Center, Maner, for treatment, from there to P.M.C.H. for further treatment.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He submits that nothing has been recovered from the conscious possession of the petitioner and the entire prosecution story is false and fabricated. He submits that although the petitioner was apprehended on 15.01.2026 itself, however the FIR was lodged on 16.01.2026 and the same was sent to the concerned Court on 20.01.2026, without any explanation for the delay in sending the same to the concerned Court. He next submits that the petitioner was apprehended on 16.01.2026 and has been remanded in the present case on 20.01.2026, which has been lodged on the statement made by the informant. The learned counsel for the petitioner submits that the petitioner was apprehended in the first case i.e. Maner P.S. Case No. 28 of 2026 on 16.01.2026 and was remanded in the second case (present case) only on 20.01.2026 i.e. after a gap of four days. He next submits that the petitioner has been implicated in the

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present case, with ulterior motive of the informant of the present case. He submits that the petitioner is an accused in two other cases. In Maner P.S. Case No. 28 of 2026, he has been granted the privilege of bail by an Hon'ble Single Judge of this Court vide order dated 08.10.2026 passed in Cr. Misc. No. 52551 of 2026 and in the second case i.e. Maner P.S. Case No. 841 of 2024, the petitioner is already on bail.

5. *Per contra,* the learned A.P.P. appearing on behalf of the State, while opposing the prayer for bail of the petitioner submits that the petitioner was apprehended at the place of occurrence itself and since he had fired at the police party, while he accompanied the police party with regard to the recovery of the arms in connection with Maner P.S. Case No. 28 of 2026, the police party fired at him, due to which he sustained injuries in legs and was referred to P.M.C.H. at Patna for treatment. He was remanded in the present case from Maner P.S. Case No. 28 of 2026 and since the petitioner is an accused in two other cases of similar nature, therefore he does not deserve the privilege of bail.

6. Having considered the rival submissions and after going through the records, it appears that on a confidential information, the informant conducted a raid and the petitioner

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was apprehended. The petitioner disclosed his involvement in one another case related to loot and firing at businessman Sanjay Kumar Soni. He disclosed the name of his accomplice and while he was taken for recovery of the arms related to another case bearing Maner P.S. case No. 28 of 2026, he fired at the police party from the arms, which was concealed by him and in retaliation the police party fired at him, due to which he sustained fire arm injuries on his leg and was taken to Primary Health Center, Maner, for treatment. From there he was referred to P.M.C.H., Patna for better treatment. The petitioner was remanded in the present case on 20.01.2026. Considering that the petitioner is in custody since 20.01.2026 and has been granted bail in another case by this Hon'ble Court, let the above named, petitioner be release on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judical Magistrate 1st Class, Danapur, Patna, in connection with Maner P.S. Case No. 45 of 2026, subject to the condition as laid down under Section 437(3) of the Code of Criminal Procedure/480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with following condition:

The Court concerned shall verify the criminal antecedent of the petitioner and in case at any stage it is found

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that the petitioner has concealed his criminal antecedent, the Court concerned shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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