IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57550 of 2026

CNR No. BRHC010791472026

Arising Out of PS. Case No.-199 Year-2025 Thana- ATHMALGOLA District- Patna

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Jitish Kumar @ Jitesh Kumar S/o Upendra Kumar @ Opendra Singh Resident of Village- Karai Parsurai, P.S.- Karai Parsurai, District- Nalanda

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Suraj Kumar, Adv.
For the Opposite Party/s : Md. Mushtaque Alam APP.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

3 23-11-2026 Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with Athmalgola P.S. Case No. 199 of 2025, registered for the offences punishable under Sections 103(1), 61(2) of the BNS and Section 27 of the Arms Act.

3. As per allegation, on 05.06.2025, the petitioner along with other co-accused persons, armed with firearms, arrived at the place of occurrence in connection with a land dispute and allegedly opened fire upon the informant's husband, causing a gunshot injury to his chest,

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resulting into his death.

4. Learned counsel appearing on behalf of the petitioner has submitted that there is an admitted land dispute between co-accused Rahul Kumar and the deceased, the petitioner has falsely been implicated in the present case. He has further submitted that the petitioner happens to be the cousin brother of co-accused Rahul Kumar and, for this reason, has been implicated in the present case. It is also submitted that the specific allegation of firing has been attributed to co-accused Rahul Kumar, whose shot hit the chest of the deceased. This is substantiated by the post-mortem report, as only one injury was found on the chest of the deceased. Thus, the allegation that the petitioner had also fired upon the deceased is stated to be belied by the prosecution case. It is further submitted that no empty cartridges have been recovered from the place of occurrence. Learned counsel has next submitted that co-accused Lakhan Yadav @ Lakhan Singh has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 10.12.2025 passed in Cr. Misc. No. 71128 of 2025. The other co-accused persons, namely, Nishan @ Nishant

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Kumar, Dishant @ Deshan Kumar @ Deshant Kumar @ Bigul, Balmiki Yadav @ Naresh Yadav @ Balmiki Kumar and Satendra Kumar @ Satyendra Yadav @ Satyendra Kumar, have also been granted anticipatory bail by a Co-ordinate Bench of this Court vide orders dated 17.12.2025 and 11.02.2026 passed in Cr. Misc. No. 86699 of 2025 and Cr. Misc. No. 8986 of 2026, respectively. It is further submitted that the petitioner has clean antecedent and, has been in judicial custody since 19.05.2026. No motive for the alleged occurrence can be attributed to the petitioner. Lastly, learned counsel for the petitioner undertakes that the petitioner shall cooperate with the trial and shall not indulge in the commission of any offence in future.

5. On the other hand, learned APP for the State has opposed the prayer for bail but has fairly conceded that only one injury was found on the chest of the deceased, which has been attributed to co-accused Rahul Kumar.

6. Taking into consideration the entire facts and circumstances of the case coupled with the fact that the specific allegation of firing, which hit the chest of the deceased, has been attributed to co-accused Rahul Kumar,

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the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned ACJM/concerned Court, Barh, Patna in connection with Athmalgola P.S. Case No. 199 of 2025, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below shall verify the criminal antecedent of the petitioner and if he is found involved in any case other than the present one, his bail bond will not be accepted.

(v) It is also made clear that there shall be no delay in verifying the criminal antecedent of the petitioner

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and the delay shall not extend beyond a period of ten days.

(vi) If he repeats any offence of similar nature, his bail bond shall be liable to be cancelled immediately by the learned court below.

(Raj Kumar, J)

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