

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58095 of 2025

Arising Out of PS. Case No.-298 Year-2025 Thana- MASAUDHI District- Patna

Nitish Kumar S/o- Uday Yadav Resident of Anouli P.S- Bhagwanganj, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Adv

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-02-2026 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Masaurhi PS Case No. 298 of 2025, registered for the offences punishable under Sections 103(1) and 61(2) of the Bharatiya Nyaya Sanhita and Section 27 of Arms Act.

3. Learned counsel for the petitioner submits that the petitioner has antecedent of ten cases and is in custody since 16-5-2025. It is next submitted that in sum and substance the allegation is of killing the deceased.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name transpired in the confessional statement of Deepak @ Bhogi. It is next submitted that petitioner was in judicial custody when the occurrence is



alleged to have been committed. It is further submitted that confessional statement in police custody does not have any evidentiary value.

5. The Court made a specific query, whether the learned counsel has copy of the confessional statement of Deepak @ Bhogi, on which the learned counsel fairly submitted that he has a copy of the confessional statement of Deepak @ Bhogi.

6. Learned A.P.P. for the State, after going through the confessional statement of Deepak @ Bhogi, submitted that though petitioner was in custody when the occurrence is alleged to have been committed, but then petitioner along with co-accused were involved in offences relating to land broking. It is next submitted that Deepak @ Bhogi, in his confessional statement, has specifically stated that the deceased was also an upcoming gangster and was creating troubles for petitioner and others, as such a conspiracy was hatched to eliminate him. It is also submitted that petitioner had hatched the conspiracy from jail along with other accused persons and thereafter Mukesh @ Chhotan was eliminated. Learned APP further submits that Deepak @ Bhogi, in his confessional statement, has also stated that several rounds of firing were done at Mukesh and one bullet



was also fired by him.

7. Learned APP next submits that petitioner has antecedent of ten serious cases, on which the learned counsel appearing on behalf of the petitioner submits that petitioner has been acquitted in one case, on which learned APP submits that if petitioner is granted the privilege of regular bail, the petitioner may abscond or try to tamper with the evidence.

8. Considering the submission made by learned APP, the Court is not inclined to release the petitioner on bail.

9. Accordingly, the prayer for bail of the petitioner is rejected.

(Satyavrat Verma, J)

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