IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60028 of 2026

CNR No. BRHC010858002026

Arising Out of PS. Case No.-134 Year-2026 Thana- KALYANPUR District- Samastipur

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Nitish Kumar S/O Satya Narayan Das R/O village - Singhiya Janardanpur , Police Station - Kalyanpur , District - Samastipur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Mahendra Pratap, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

3 27-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for bail registered for the offence punishable under Sections 103(1), 61(2) and 3(5) of the B.N.S., 2023.

3. The case of the prosecution, in short, is that one Atish Kumar has called the son of the informant for feeding him at his hotel. When the informant called on the mobile of Ranjeet Kumar (deceased), he disclosed that he was having meals at the hotel of Atish Kumar, and at 09:00 P.M., Ranjeet called the informant and said that Atish Kumar, Rahul Kumar and Nitish Kumar (the petitioner) had forcefully boarded him in an auto and were assaulting him. Atish Kumar was having an axe, and

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he suspected that he may be killed. The son of the informant was killed by assault with an *axe*.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He also submits that, from a perusal of the FIR, it is clear that co-accused Atish Kumar had taken the deceased to his hotel. Learned counsel further submits that co-accused Atish Kumar had a motive to commit the offence, as he had received a sum of Rs. 20,00,000/- for executing a sale deed but had failed to execute the same, and the deceased, who was the informant's son, was demanding the cash. He further submits that the main thrust of the allegation is against co-accused Atish Kumar.

5. Learned counsel for the petitioner further submits that, during the course of investigation, Rahul Kumar and the petitioner have given their confessional statements, wherein they stated that co-accused Atish Kumar had assaulted the deceased with an axe and that, thereafter, the axe was concealed. He submits that, even as per the confessional statement, the specific role attributed to the petitioner is that he was present at the time of the alleged occurrence but did not assault the deceased; rather, he allegedly threw the axe into the Shanti

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River. Moreover, a statement has been made in para 3 of the petition that petitioner has no criminal antecedent and he is languishing in judicial custody since 29.04.2026.

6. The application for bail is opposed by learned APP for the State.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Kalyanpur P.S. Case No. 134 of 2026.

(Ashok Kumar Pandey, J)

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