

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65312 of 2025

Arising Out of PS. Case No.-140 Year-2025 Thana- NAGARNAUSA District- Nalanda

Vijay Kumar @ Fantus Son of Kaushlendra Prasad @ Kusendra Prasad
Resident of Village - Nagarnausa, P.S.- Nagar Nausa, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Atul Kumar Mehta, Adv. Ms. Sushmita Singh, Adv.
For the Opposite Party/s	:	Mr. Munna Raj, Adv. Ms. Minakshi Kumari, Adv. Mr. Munish Kumar, Adv. Mr. Shitanshu Shekhar, Adv.
For the State	:	Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 17-01-2026 Heard Mr. Ramakant Sharma, learned Senior counsel for the petitioner assisted by Mr. Atul Kumar Mehta learned counsel for the petitioner and learned counsel for the O.P. No. 2 as well as learned A.P.P for the State.

2. The petitioner apprehends his arrest in connection with Nagar Nausa P.S. Case No. 140 of 2025 dated 14.06.2025 registered for the offences punishable under Sections 103(1) and 61(2) of the B.N.S. and Sections 25(1-B)(a), 26, 27 and 35 of the Arms Act.

3. As per the prosecution case, the deceased, Kundan Kumar is said to have received a phone call from the co-accused, Shashi Bhushan asking him to come to his office. The informant



further alleged that she received information that her husband had been shot. She has alleged that when she rushed to the place of occurrence along with her family members, she saw the named accused persons including the petitioner, all armed with firearms fleeing from the place of occurrence. It is further alleged that the co-accused, Neeraj Kumar while fleeing was shouting that he had killed the deceased and threatened of dire consequences.

4. The learned Senior counsel for the petitioner submits that petitioner has falsely been implicated in this case. It has further been submitted that so far as the present petitioner namely, Vijay Kumar @ Fantus is concerned, it has been alleged that he was seen by the informant as one of the persons fleeing from the spot. However, the informant herself has claimed that the co-accused, Neeraj Kumar was shouting while fleeing that he had killed the deceased. It has further been submitted that admittedly, the said Neeraj Kumar and Nikesh Kumar had previous enmity with the deceased related to an old murder case and they had threatened him two days ago prior to the present incident. Learned Senior counsel has further pointed out that the deceased, Roushan Kumar had in fact killed the brother of the co-accused, Nikesh Kumar for which Nagar Nausa P.S. Case No. 145 of 2017 was registered for the offences under Sections 302 and 34 of the Indian Penal Code. It is thus contended that the present incident is a



retaliatory act committed by the said Neeraj Kumar along with Nikesh Kumar. It has further been submitted that the petitioner is the Director of Sant Mary School, Nagar Nausa and has been maliciously implicated in the present case due to rivalry having no connection whatsoever with the aforesaid incident and it is an admitted case that no body had seen the occurrence. It has further been submitted that the petitioner had initially stated that he has no criminal antecedent, however, he subsequently came to know that in connection with the present occurrence, one another case being Nagar Nausa P.S. Case No. 201 of 2025 under the Arms Act was registered against him, of which he was not aware at the relevant time. It has further been submitted that while the charge-sheet has been submitted against the other co-accused persons, the investigation was kept pending as far as the present petitioner was concerned along with two other co-accused persons. It has thus been submitted that the allegations against the petitioner are based on suspicion, there is no eye witness to the occurrence and the petitioner had no criminal antecedent prior to the present occurrence.

5. The learned A.P.P. for the State and learned counsel for the O.P. No. 2 have vehemently opposed the prayer for anticipatory bail of the petitioner and stated that the petitioner is a named accused against whom serious allegations have been



levelled of having connived with the other co-accused in committing murder of the husband of the informant. It has further been submitted that the petitioner along with two others had handed over the firearms to the co-accused, Neeraj Kumar and Nikesh Kumar, who have confessed their guilt in killing the husband of the informant.

6. Considering the aforesaid submissions and taking into account the fact that barring the confessional statements of the co-accused, there is nothing on record to connect the petitioner with the aforesaid incident, the petitioner, above named, is directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail-bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned, Hilsa (Nalanda) in connection with Nagarnausa P.S. Case No. 140 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall



cooperate in the investigation.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) The trial court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedents, the trial court shall take necessary 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.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

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