IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77533 of 2026

CNR No. BRHC011033912026

Arising Out of PS. Case No.-37 Year-2025 Thana- TELHARA District- Nalanda

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Nitish Kumar, Son of Ram Prasad, Ram Resident of Village - Harshnathpur, Banhe Chatra, Police Station and District - Chatra (Jharkhand).

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 04-11-2026 This is the second attempt on behalf of the petitioner for regular bail, earlier, the regular bail application filed by the petitioner *vide* Cr. Misc. No. 87569 of 2025, was rejected *vide* order dated 21.01.2026 passed by Hon'ble Mr. Justice Nawneet Kumar Pandey.

2. Heard the learned counsel for the petitioner and the learned APP for the State.

3. The petitioner, who is in custody, seeks bail in connection with Session Trial No. 959 of 2025 arising out of Telhara P.S. Case No. 37 of 2025 registered for the offence(s) punishable under Section(s) 363 and 365 of the Indian Penal Code / 137(2) and 140(3) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.).

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4. As per the F.I.R,. the informant has alleged that his son was forcibly taken away by some unknown criminals on a Bolero vehicle.

5. The learned counsel for the petitioner submits that the petitioner has falsely been implicated and that too on the confessional statement. It has further been submitted that during the course of trial, the informant as well as the victim have already been examined and they have not supported the prosecution case, rather the victim, namely Aditya Kumar @ Aditya Raj (P.W.- 4) in his examination-in-chief, has not even identified the petitioner on the dock. The said victim has categorically stated in paragraph no. 4 that the accused persons who are standing in the Court, including the petitioner, were not involved in his kidnapping and they had not kept him confined.

6. The learned counsel for the petitioner has further drawn the attention to the deposition of P.W.-1, namely Raj Kishore Prasad, who is said to be an eye witness and even the said witness has not identified the petitioner on the dock, rather he has only identified the co-accused Deepak Kumar. It has also been stated by the said P.W.-1 that he has identified only Deepak Kumar without any fear or coercion. It has lastly been stated that only the private witnesses have been examined till date and

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the official witnesses have not been examined. The petitioner is in custody since 17.05.2025 and the trial will take time to conclude. It has lastly been submitted that the petitioner carries only one criminal antecedent.

7. The learned APP for the State has vehemently opposed the prayer for bail.

8. Having heard the learned counsel for the parties and considering the materials available on record, especially, the deposition of the eye witness as well as the victim, which has been brought on record and taking note of the fact that the petitioner has remained in custody since 17.05.2025, let the petitioner, above-named, be released on bail on hi/her furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Session Trial No. 959 of 2025, arising out of Telhara P.S. Case No. 37 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his/her close relative and the other shall be a local resident.

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

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bonds of

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the petitioner will be liable to be cancelled by the concerned Court.

(iv) If the petitioner, in future, is found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of his/her bail bonds.

(v) The concerned Court shall verify the criminal antecedents of the petitioner and in case, at any stage, it is found that he/she has concealed his/her criminal antecedents, the Court concerned shall take necessary steps for cancellation of his/her bail bond. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

10. The application stands allowed.

(Sourendra Pandey, J)

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