IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78791 of 2026

CNR No. BRHC011108012026

Arising Out of PS. Case No.-233 Year-2026 Thana- KAKO District- Jehanabad

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Nitish Kumar @ Nitesh Kumar Son of Late Baleshwar Yadav Resident of Village -Nisarpura PS- Kako Bhelawar District- Jehanabad

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Adv.
Mr. Rakesh Singh, Adv.
For the Opposite Party/s : Mr. Uday Pratap Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

2 04-11-2026 Heard the learned Senior 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 Kako P.S. Case No. 233 of 2026, registered for the offences punishable under Sections 103(1) and 61(2) of the BNS and Section 27 of the Arms Act.

3. Allegedly, while the informant alongwith his brother, Munna Kumar Singh was returning home on a motorcycle, in the way, they were surrounded by the petitioner alongwith other accused persons and in consequence thereof, the co-accused Anil Yadav opened fire

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as a result of which, the deceased sustained fire-arm injuries and died during course of treatment. The offshoot of the occurrence is said to be previous enmity due to an earlier case of murder.

4. Learned Senior Counsel appearing on behalf of the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that admittedly, the petitioner is named in the FIR but he is merely alleged to be a member of the mob and no specific overt act has been attributed to him. It is further submitted that the specific allegation of opening fire has been attributed to co-accused Anil Yadav. Learned Senior Counsel has also submitted that the deceased himself had a criminal antecedent and he was involved in Kako P.S. Case No. 244 of 2024 and Kako P.S. Case No. 231 of 2026, as mentioned in paragraph 11 of the main bail application. It is further submitted that the petitioner has clean antecedent and no specific motive has been assigned for the commission of the alleged offence. The petitioner has been in judicial custody since 16.06.2026.

5. On the other hand, learned APP appearing for

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the State has opposed the prayer for bail but has fairly conceded that merely the petitioner is alleged to be a member of the mob.

6. Taking into consideration the entire facts and circumstances of the case, coupled with the fact that no specific allegation of firing has been attributed to the petitioner and he has clean antecedent, 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 J.M-Ist Class/concerned Court, Jehanabad in connection with Kako P.S. Case No. 233 of 2026, 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.

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(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 beyond a period of ten days in verifying the criminal antecedents of the petitioner.

(Raj Kumar, J)

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