

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82706 of 2025

Arising Out of PS. Case No.-161 Year-2024 Thana- DIDARGANJ District- Patna

Nitish Kumar @ Banti Son of Krishna Singh @ Bhola Singh Village-
Gulmahiya Bag PS -Didarganj Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-03-2026 Heard Mr. Jay Ram Prasad, learned counsel for the

petitioner and Mr. Shyameshwar Dayal, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
21.05.2025 in connection with Sessions Trial No.- 1708/2025,
(arising out of Didarganj P.S. Case No. 161 of 2024), F.I.R.
dated 17.04.2024 for the offences punishable under Sections
365/302 of the Indian Penal Code.

3. According to prosecution case, petitioner and other
co-accused person are alleged to have killed the son of the
informant by drowning him in the water.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. The allegation as alleged in the



F.I.R is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. It appears from the FIR itself that the petitioner has been made accused in this case merely on the basis of suspicion and the Police after investigation submitted final form in favour of the petitioner but the learned court below in a mechanical manner has taken cognizance against the petitioner vide order dated 30.01.2025 u/s 365 and 302 of the Indian Penal Code and the petitioner is in custody since 21.05.2025.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the fact that the petitioner has clean antecedent and also the fact that Police after investigation submitted final form in favour of the petitioner and learned court below in a mechanical manner has taken cognizance against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the court of learned District & Additional Sessions Judge- 1st, Patna City, Patna, in connection with Sessions Trial No.- 1708/2025, (arising out of Didarganj P.S. Case No. 161 of 2024), subject to the following



conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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