

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86373 of 2025

Arising Out of PS. Case No.-399 Year-2023 Thana- MADHUBAN District- East Champaran

Nitish Kumar @ Nitesh Kumar S/o Gauri Shani @ Gauri Shahani Resident of
village - Bada Hardiya, P.S - Madhuban, District - East Champaran, Motihari.
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 31-01-2026 Heard the learned counsel for the petitioner and the
learned APP for the State.

2. This is the 2nd attempt of the petitioner. The
petitioner seeks bail in connection with Madhuban P.S. Case
No. 399 of 2023 registered for the offence punishable under
Section 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. Earlier the bail application of the petitioner was
rejected on 07.08.2024 in Cr. Misc. No. 52220 of 2024, which
reads as follows:-

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

*2. The petitioner seeks bail in
connection with Madhuban P.S. Case No. 399 of
2023 registered for the offence punishable under
Sections 302/34 of the Indian Penal Code and*



Section 27 of the Arms Act.

3. Unknown criminals killed the deceased. It has come during investigation that the petitioner and two other criminals had planned to killed the deceased because he was in a relationship with the local girl. In the self inculpatory statement, the petitioner has given the entire details as to how the crime was committed. Independent witnesses from the village have said that the petitioner and the two other criminals were seen running away from the place of occurrence where the deceased was killed. The petitioner is in jail since 13.03.2024.

4. Learned APP appearing for the State opposes the prayer for regular bail of the petitioner.

5. Considering the fact that the petitioner is said to have participated in the killing of the deceased, I am not inclined to grant bail to the petitioner.

6. Accordingly, the application stands dismissed.

4. Learned counsel for the petitioner submits that though the charges have been framed, but no witness has been examined and therefore, the petitioner may be granted bail.

5. Considering the gravity of offence and the fact that trial has started, I am not inclined to grant bail to the petitioner.



6. Accordingly, this application for regular bail stands dismissed.

(Sandeep Kumar, J)

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