

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83714 of 2025

Arising Out of PS. Case No.-245 Year-2025 Thana- LAHERIYASARAI District- Darbhanga

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Nitish Kumar @ Nitish Kumar Yadav son of Prem Narayan Sah Resident of
Village -Dulal Patti Police Station- Fulparash (Phulparas) District- Madhubani
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 3312 of 2026 Arising Out of PS. Case No.-
245 Year-2025 Thana- LAHERIYASARAI District- Darbhanga

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Deepak Yadav S/O Jiwach Yadav R/O Village- Godhiyari, P.S- Phulparash,
Distt.- Madhubani. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 83714 of 2025)

For the Petitioner/s : Mr. Nilendu Kumar Choudhary

For the Opposite Party/s : Mr. Jitendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 3312 of 2026)

For the Petitioner/s : Mr. Nilendu Kumar Choudhary

For the Opposite Party/s : Mr. Pushpa Sinha.1

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 23-02-2026 As both these bail applications arise out of the same

police station case number, hence, with consent of parties, they are

being heard together and disposed of by this common order.

2. Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

3. The petitioners seek bail in a case registered for the
offence punishable under Sections 103(1), 3(5) of the B.N.S.

4. As per FIR, the deceased was brutally assaulted by
the petitioner and other accused persons who died during the



course of treatment.

5. Learned counsel for the petitioner has submitted that the First Information Report is actually based upon a letter no. 418 dated 11.04.2025 forming a part of the FIR and indicating that the deceased had developed a stomach pain for which he was taken for treatment when he tried to escape from the police custody but was brought back forcibly. At 6:30 p.m. on the same day, other inmates of the remand home informed that the deceased had become unconscious, whereafter he was taken to D.M.C.H. for treatment where he was declared dead. This letter makes no mention about any assault by the petitioners or others upon the deceased. Subsequently, in letter no. 421 a story has been introduced that upon enquiry it was found that some inmates of the remand home including these petitioners had assaulted the deceased on account of which he subsequently died and as many as 8 named and other unknown persons have been taken in the First Information Report. The witnesses who are examined in the case diary from paragraphs- 7 to 13 also do not state anything about the assault made upon the deceased by the petitioners and others. They are in custody since 28.05.2025 and charge-sheet has been submitted.

6. Learned APP for the State has opposed the application for bail on the ground that the petitioners have criminal antecedents. In response, it has been submitted that it was during



juvenality that they had some antecedents but they are mostly on bail.

7. Taking into consideration the facts and circumstances and also considering the initial letter no. 418 making the basis of the FIR wherein no mention of assault has been made by the petitioners, coupled with the statement of the witnesses during the course of examination, let the above named petitioners, who are young boys aged about 19 years, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each 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 Laheriasarai P.S. Case No. 245 of 2025, subject to the conditions that:

(I) One of the bailors will be a family member/close relative.

(II) The petitioners shall appear on each and every date till conclusion of trial and if the petitioners do not appear on two consecutive dates without any substantial and satisfactory reason, the learned court below would be at liberty to cancel their bail bonds.

(Soni Shrivastava, J)

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