

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84647 of 2025

Arising Out of PS. Case No.-738 Year-2024 Thana- PIRBAHOR District- Patna

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Nikhil Goyal @ Nikhil Kumar Goel Son of Haribabu Goyal Resident of
Village - Mathura Govind Nagar Vidya Colony, P.S. - Govind Nagar, District -
Mathura, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivanand Singh, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
CAV ORDER

5 13-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 103(1), 61(2) & 3(5) of the Bhartiya Nyaya Sanhita (in short 'B.N.S.') and under Section 27 of the Arms Act.

3. Learned counsel for the petitioner has submitted that earlier the bail petition of this petitioner was rejected vide order dated 16.07.2025 passed by learned Co-ordinate Bench in Cr. Misc. No. 17048 of 2025.

4. The case of the prosecution in short is that on 27.10.2024 the deceased (Awadhesh Agrawal) went to his rental room near Imambara, Churi Gali, Patna to take meal. In the



meantime, unknown miscreants entered in his room and shot the informant's maternal uncle (deceased). Thereafter, he was taken to Paras Hospital for treatment where the Doctors declared him dead.

5. Learned counsel for the petitioner has submitted that similarly situated co-accused Neeraj Gautam has been granted bail by the learned Co-ordinate Bench vide Cr. Misc. No. 49195 of 2025 and one Braj Gopal by this Court vide Cr. Misc. No. 87890 of 2025. It has been submitted that the case of this petitioner stands on better footing. It has further been submitted by the learned counsel for the petitioner that from perusal of the FIR it is clear that there is no eye-witness of this case. During course of investigation, the name of this petitioner has surfaced in the confessional statement of co-accused Neeraj Gautam, Brij Bhushan Dixit and Jitendra Kumar and the petitioner has himself given his confessional statement. It has further been submitted that there is nothing except suspicion and confessional statements of co-accused and this petitioner. Petitioner is in custody since 30.11.2024.

6. Learned APP for the State has vehemently opposed the bail petition of the petitioner. It has been submitted that this petitioner had purchased a vehicle from registered owner about



five years ago which was used by the shooters at the relevant time for traveling from Mathura to Patna. It has further been submitted that confessional statement of the co-accused Neeraj Gautam and the petitioner goes to show that the petitioner wanted to get the deceased murdered as there was business rivalry between the petitioner and the deceased. On the instruction of this petitioner, the shooters were arranged and they have murdered the deceased. Learned APP for the State has further submitted that all the conspiracies and the arrangements for the murder were made by this petitioner which is apparent from the confessional statement of this petitioner and that this petitioner has paid Rupees Twenty Lakh to the shooters. It has further been submitted that a report was also called from the learned trial court regarding stage of trial and from perusal of the same, it is clear that out of the seven witnesses, four have already been examined in the trial court. Learned APP for the Stated has further submitted that the trial is at advance stage.

7. Since, it is a case of murder and the Hon'ble Supreme Court has held in the case of X Vs. State of Rajasthan & Anr passed in SLP(Criminal) No. 13378 of 2024 wherein in para- '14', Hon'ble Apex Court has held which is being quoted hereunder:-

14. Ordinarily in serious offences like rape,



murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.

8. Considering the above facts and circumstances of the case, I am not inclined to grant bail to the petitioner at this stage, however, he may renew his prayer for bail after six months if the trial is not concluded.

9. Learned trial court is directed to conclude the trial within the said period positively.

(Ashok Kumar Pandey, J)

durgesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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