

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87173 of 2025

Arising Out of PS. Case No.-107 Year-2024 Thana- GWALPARA District- Madhepura

Nikesh Kumar @ Satish Kumar Son of Sudish Yadav Resident of village -
Shyam, Ward No.- 10, P.S.- Gwalpara, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 13-01-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Gwalpara P.S. Case No. 107 of 2024 instituted for the offence
under Sections 302 & 34 of the Indian Penal Code and Section
27 of the Arms Act.

3. Prosecution case in short is that on 01-06-2024,
informant son was shot dead near Shambhu Mukhiya's house.
Villagers witnessed the crime but hesitated to name the culprits
out of fear.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 03-03-2025. Petitioner
bears one criminal antecedent/s, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired during course of investigation. There is no specific allegation against the petitioner, rather allegation is general and omnibus in nature. It is submitted that co-accused, namely, Prince Kumar is the main assailant, who has fired upon the son of the informant. There is delay of two days in lodging of the FIR. It is lastly submitted that charge sheet has been submitted in this case. Other co-accused has been granted bail by this Court vide order dated 19-02-2025, passed in Cr. Misc. No. 83370 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. As per postmortem report, cause of death is shock and hemorrhage caused by firearms, which clearly corroborates the allegation levelled in the FIR.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no direct allegation against the petitioner, claim based on parity and charge sheet being submitted, this Court is inclined to grant bail



to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gwalpara P.S. Case No. 107 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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