

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87596 of 2025

Arising Out of PS. Case No.-58 Year-2025 Thana- KALYANPUR District- Samastipur

Nitish Kumar Son of Vishwanath Ray Resident of Village - Ajana, P.S.-
Kalyanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Om, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kalyanpur P.S. Case No. 58 of 2025 registered for the offences
punishable under Section 309(4) of the BNS.

3. As per prosecution case, at the point of pistol,
informant's motorcycle and his bag containing Laptop were
snatched by unknown miscreants and FIR was lodged against
three unknown persons.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has committed no offence as
alleged in the FIR. During the course of investigation, the name
of the petitioner has been transpired in this case, as mentioned in
impugned order. Petitioner is in custody since 03.09.2025 and



charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. No incriminating article has been recovered from the possession of the petitioner. He further submits through para 3 of the instant petition that in para 142 of case diary, it has been mentioned that petitioner bears one criminal antecedent i.e. Samastipur (Town) P.S. Case No. 177 of 2025, as mentioned in impugned order, but he has clarified in para 3 of the instant petition that, indeed, petitioner has clean antecedent because of the fact that Samastipur (Town) P.S. Case No. 177 of 2025 is registered against unknown and nowhere and in no way at any stage the name of the petitioner has transpired in the said case. In this way, learned counsel for the petitioner has specifically submitted that petitioner bears no criminal antecedent, though impugned order denotes the criminal antecedent by mentioning para 142 of the case diary.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that impugned order clearly reveals that at the instance of petitioner, the alleged motorcycle was recovered. Hence, petitioner does not deserve bail.

6. Considering the facts and circumstances of the



case, period of custody, petitioner's counsel has specifically asserted that petitioner bears no criminal antecedent, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Samastipur in connection with Kalyanpur P.S. Case No. 58 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar



nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(v) Petitioner shall submit an undertaking before the learned trial court that he bears no criminal antecedents and if the said undertaking is found incorrect by the learned trial court, his bail bond shall not be accepted.

(Alok Kumar Pandey, J)

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