

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90214 of 2025

Arising Out of PS. Case No.-331 Year-2020 Thana- MOTIPUR District- Muzaffarpur

Nitesh Kumar @ Nitin Kumar @ Nitish Kumar @ Nitesh S/o Dev Lal Bhagat
@ Deolal Prasad Kushwaha Resident of Village- Barji, P.S.- Motipur,
District- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Preety Kunwar, Adv.

For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Motipur P.S. Case No. 331 of 2020, registered for the offences under Sections 363 of the Indian Penal Code.

3. As per the prosecution case, the son of the informant was abducted by unknown miscreants who also took away his motorcycle. During investigation, the name of the petitioner transpired for being involved in the abduction and murder of the son of the informant.

4. Learned counsel appearing on behalf of the petitioner submits that the name of the petitioner came up in the confessional statement of coaccused Om Prakash @ Bittu and



Anil Kumar Bhagat and except for this confessional statement, there is no material to show the complicity of the petitioner in the whole occurrence. Though there is allegation that the petitioner took away the motorcycle of the son of the informant, no recovery has been shown from this petitioner and motorcycle was recovered in an abandoned condition on a highway. Even if the confessional statement of coaccused Om Prakash is taken into consideration, the only allegation against the petitioner is that he took away the motorcycle of the son of the informant who was shot dead by coaccused Om Prakash when the petitioner was not even present. Learned counsel further submits that charge sheet has been submitted under Section 363, 365 and 34 of the IPC. The petitioner is having antecedent of three cases and he is on bail in all the three cases. Petitioner has been remanded in this case on 27.08.2025.

5. Learned APP appearing for the State opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner and others in conspiracy with each other abducted the son of the informant and killed him.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the nature of material collected against the petitioner and further



considering submission of charge sheet and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned JMFC, Court No. 08, (West) Musaffarpur/concerned court, in connection with Motipur P.S. Case No. 331 of 2020, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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