IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28903 of 2026

Arising Out of PS. Case No.-215 Year-2024 Thana- GURARU District- Gaya

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Nitish Kumar, S/O Kamlesh Kumar Singh @ Kamlesh Singh, Resident of Village- Pathra, P.S- Guraru, District- Gaya.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Anil Kumar Saxena, Adv.
For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 21-08-2026 Heard the parties.

2. Petitioner seeks regular bail in connection with Guraru P. S. Case No. 215 of 2024, registered for the offence(s) punishable under Section(s) 126(2), 115(2), 109, 352, 351(2) and 3(5) of the BNS and Section 27 of the Arms Act.

3. The main submissions advanced by learned counsel for the petitioner are that this is the third attempt by the petitioner to get the relief of regular bail and his last prayer was rejected by this Court vide order dated 25.02.2026, passed in Cr. Misc. No. 5926 of 2026, with liberty to renew his prayer for bail after one month from the date of framing of charge, if, during the said period, the prosecution fails to produce the informant as a prosecution witness. The charge against the petitioner was framed on 11.03.2026. Thereafter, a period of more than four

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months has elapsed, even then, the informant has still not appeared for recording of his evidence. It is submitted that the informant is intentionally avoiding his appearance as a witness in order to frustrate the petitioner's prayer for bail. The petitioner has been languishing in jail since 18.01.2025 and has suffered considerably.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions and mainly taking note of the fact that despite the framing of charges against the petitioner on 11.03.2026, the prosecution did not take any steps to produce the informant as a witness during the last four months, it is quite surprising that the concerned Superintendent of Police also did not take any serious steps in that regard, despite a specific direction having been issued to him to ensure the production of the informant as a prosecution witness before the learned trial court. This reflects serious negligence on the part of the concerned Superintendent of Police as well as the prosecution, in my opinion, in the said circumstances, the petitioner now deserves to the relief of regular bail. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees

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Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Guraru P.S. Case No. 215 of 2024 with following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial court.

(2) If the petitioner tampers with the evidence or influences the witnesses, in that case the prosecution will be at liberty to move for cancellation of his bail.

(3) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

6. Let a copy of this order be sent to the Director General of Police, Bihar, for taking necessary action against the Superintendent of Police concerned.

(Shailendra Singh, J)

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