

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9886 of 2022

Arising Out of PS. Case No.-107 Year-2021 Thana- BEN P.S. District- Nalanda

NITISH KUMAR Son of Ajit Kumar Singh Resident of Village- Bhola Bigha,
P.S.- Islampur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 307 of the Indian Penal Code and Section 27 of the
Arms Act.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that on 27.07.2021 as soon as
he reached near the house of Suren Singh, the accused persons
including the petitioner who were variously armed surrounded
and on order of Shiv Kumar Singh @ Yogendra Singh, accused
Ranveer Singh fired on the informant on his back causing injury



and the accused persons including the petitioner assaulted him with kick and fist thereafter he was refereed to PMCH from Sadar Hospital.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that there is specific allegation of firing against Ranveer Singh and that too on order of Shiv Kumar Singh. He further submits that at best petitioner was a member of unlawful assembly as no specific overt act has been alleged against him.

Learned A.P.P. opposes the anticipatory bail application of the petitioner and submits that it appears that Ranveer Singh was a trigger-happy man who fired at the informant because he had the strength with him of the petitioner and other accused persons. He further submits that though there is no specific allegation of firing against this petitioner but he was also a member of unlawful assembly and he did not make any endeavour to save the informant. This amply demonstrates that petitioner was also having a motive against the informant or else he would have made an endeavour to save him.

Considering the submission made by the learned A.P.P., the Court is not inclined to grant anticipatory bail to the petitioner in connection with Ben P.S. Case No. 107 of 2021



pending in the Court of learned Chief Judicial Magistrate,
Nalanda at Bihar Sharif/successor Court.

Accordingly, prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

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