

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12695 of 2025**

Arising Out of PS. Case No.-807 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Nitesh Kumar S/o Amarnath Bhagat Resident Of Village- Hajipur, Po-  
Rajauli, Ps- Hajipur Sadar, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                     |
|--------------------------|---|-------------------------------------|
| For the Petitioner/s     | : | Mr. Awadhesh Kumar Mishra, Advocate |
|                          | : | Ms. Shivani Mishra, Advocate        |
|                          | : | Ms. Pragati Singh, Advocate         |
|                          | : | Mr. Shanshank Shekhar, Advocate     |
| For the Opposite Party/s | : | Mr. Ajeet Kumar, APP                |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

5      11-07-2025                      Heard Mr. Awadhesh Kumar Mishra, learned counsel  
  
for the petitioner and the Mr. Ajeet Kumar, learned A.P.P. for the  
  
State.

2. The petitioner seeks bail, who is in custody since  
17.09.2024 in connection with Hajipur Sadar P.S. Case No. 807  
of 2023, F.I.R. dated 27.10.2023 registered for the offence  
punishable under Sections 147, 148, 149, 323, 324, 307, 354 of  
the Indian Penal Code, later on Section 302 of I.P.C. was added.

3. As per the prosecution case, all the accused persons  
including the petitioner have assaulted the informant and his  
family members due to which they received injuries.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he is in custody since 17.09.2024. It appears from the F.I.R. that due to land dispute, the present occurrence has taken place and the allegation as alleged in the FIR is false and fabricated and fabricated, although the petitioner is named in the F.I.R. There is specific allegation against the petitioner that he assaulted to one Anand Kumar, who is son of the informant. Apart from that, other co-accused person, namely, Pawan Kumar has also assaulted to Anand Kumar, later on, the said Anand Kumar has died, which suggests that there is no specific allegation against the petitioner in the F.I.R. Apart from that, number of co-accused persons have been granted privilege of anticipatory bail as well as regular bail by this Court or the Co-ordinate Bench of this Hon'ble Court.

5. Learned APP for the State, on the other hand, on the basis of the materials available on the record and the case diary, has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he assaulted the deceased by means of sword. Apart from that, the *postmortem* report also supports the allegation as alleged in the FIR.

6. Considering the aforesaid facts as well as the fact



that there is direct and specific allegation against the petitioner supported by the postmortem report, I am not inclined to enlarge the petitioner on bail in connection with Hajipur Sadar P.S. Case No. 807 of 2023 pending in the court of learned C.J.M., Hajipur, Vaishali.

7. Prayer is refused.

**(Rajesh Kumar Verma, J)**

anand/-

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