

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11437 of 2025

Arising Out of PS. Case No.-230 Year-2024 Thana- BEGUSARAI MUFFASIL District-
Begusarai

Nitish Kumar @ Nitesh Kumar S/o- Baikunth Tanti R/o- Jinedpur Rajaura
W.No-9, Ps- Mufassil Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 28-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Muffasil P.S. Case No. 230 of 2024 registered for the
offences punishable under Section 394 of the Indian Penal Code
and Section 27 of the Arms Act.

3. The prosecution case in short is that while the
informant was returning to his house, at that time, three
unknown miscreants intercepted him and also fired upon him
due to which he fell down on the road. The miscreants looted
silver and gold articles along with cash of Rs. 20,000/- from him
and also shot him causing five injuries on his body.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner surfaced in this case on the basis of his self-confessional statement, which has no evidentiary value in the eye of law. Nothing incriminating has been recovered from the possession of the petitioner. Other co-accused has been granted regular bail by this Court vide order dated 08-01-2025, passed in Cr. Misc. No. 89167.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is contended that petitioner bears three criminal antecedents, out of which he is acquitted in two cases. The allegation levelled by the informant is grave, hence, he does not deserve the privilege of anticipatory bail.

6. Considering the rival submissions made by the learned counsel for the parties, as also the nature of allegation, this Court is not inclined to grant anticipatory bail to the petitioner. Prayer for grant of anticipatory bail is *rejected*.

7. However, if the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court



below in accordance with law without being prejudiced by the
order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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