

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21883 of 2025

Arising Out of PS. Case No.-211 Year-2024 Thana- PHULWARIA District- Begusarai

Nitish Kumar @ Nitish Choudhary Son of Santosh Choudhary @ Santosh Chaudhary @ Santosh Chaudhari Resident of Village - Phulwaria-03, (Phulwaria), Ward No.02, Barauni Nagar Parishad, Post - Barauni, P.S. - Phulwaria, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-05-2025 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Phulwarya (Fulwaria) P.S. Case No. 211 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 303(2), 109, 352, 351(2), 3(5) of BNS Act, 2023.

3. The allegation against petitioner, in terms of FIR that, he along with other named co-accused persons assaulted informant and others by using *lathi*, rod, etc. causing head and bodily injuries where alleged assault was made with an intention to cause death of the



informant and other injured persons.

4. It is submitted by learned counsel appearing on behalf of the petitioner that present case took place in the background of local dispute and differences and it is pointed out that the parties are in inimical terms for pending criminal litigations. It is submitted that allegation against petitioner is to assault one Pradip Kumar during course of occurrence by using *lathi* on his head but upon medical examination his injury was found simple in nature and same also not appears repeated, *prima-facie* negating intention to cause death. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Jage Ram & Others vs. State of Haryana*** reported in ***(2015) 11 SCC 366***. It is further submitted by learned counsel that Sub-ordinate Court rejected the prayer of anticipatory bail of the petitioner only for the reason that he was found involved in four more criminal cases where he is on bail. It is pointed out that if merit of case is



otherwise in favor of the accused, merely on the sole ground of criminal antecedents, the prayer of anticipatory bail should not be denied. In support of his submission learned counsel further relied upon the legal report of Hon'ble Supreme Court as available through ***Prabhakar Tewari vs. State of Uttar Pradesh and Anr.*** reported in ***(2020) 11 SCC 648.***

5. Learned APP, opposed the prayer of bail.

6. In view of aforesaid factual and legal submission and by taking note of fact as assault alleged to be caused by this petitioner on the head of injured Pradip Kumar appears single and simple in nature, negating *prima-facie* intention to cause death, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned JM, 1st Class, Begusarai/concerned Court, where



the case is pending in connection with Phulwarya (Fulwaria) P.S. Case No. 211 of 2024, subject to the conditions as laid down under Section 482(2) of BNSS., subject to further conditions:-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J)

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