

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32636 of 2025

Arising Out of PS. Case No.-156 Year-2024 Thana- Patarghat District- Saharsa

Nitish Kumar @ Mithu Son of Ram Kumar Yadav Resident of Sakin - Uti
Tola Nartoliya, P.O.- P.S.- Patarghat, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parth Sarthy

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 18-07-2025 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned counsel
for the informant.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 126(2),
115, 61, 354, 351(2), 103(1) and 3(5) of the B.N.S. and Sections
25(1-B)a, 26 and 27 of the Arms Act.

3. The allegation in the first information report is that
one Madan Yadav had been shot dead and when the informant
went to look for her husband at some distance, she saw seven
accused persons armed with pistols and the remaining accused
carrying sticks in their hands and they were beating the husband
with the intention to kill him.

4. Learned counsel for the petitioner submits that



although the name of the petitioner features in one of those seven accused persons, who according to the informant, was allegedly armed with firearm, no one has witnessed the actual opening of fire. It is next submitted that as against the allegation of indiscriminate firing against seven persons only three bullets are said to have been recovered from the dead body. It is further pointed out that the petitioner is also a relative/gotiya of the deceased and on account of a dispute within the family of the deceased and the petitioner, the petitioner has been falsely implicated in the present offence. Further, it has also been submitted that the deceased had cheated several persons of their money on the pretext of government employment and hence, he was at loggerheads with several other persons who may have committed the offence.

5. Learned counsel for the informant, however, strongly opposes the grant of anticipatory bail on the ground that the petitioner was identified and named in the first information report itself as being one those seven persons who were armed with firearms and the postmortem report also indicates that the death of the deceased has been caused due to injury on the vital organs as a result of firearm. It has further been pointed out that the regular bail application of similarly



situated co-accused, who was also named amongst those seven persons with pistol has already been rejected by a coordinate Bench of this Court. Further, processes under Section 82 of the Cr.P.C. have also been issued.

6. Considering all the above mentioned facts and circumstances, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Patarghat P.S. Case No. 156 of 2024.

(Soni Shrivastava, J)

devendra/-

U		T	
---	--	---	--

