

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32977 of 2025

Arising Out of PS. Case No.-126 Year-2024 Thana- ASANWA District- Siwan

Nikhil Kumar Yadav @ Nikhil Yadav, (Male), aged about 27years, S/o-
Rajnath Yadav, Resident of vill-Katwar, P.S.- Assaon, Dist- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Kumari Anupam, Advocate
For the Opposite Party : Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 18-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Assaon P.S. Case No. 126 of 2024 dated 02.11.2024 registered for the offence punishable under Section 103(2) of the B.N.S., 2023.

3. As per the prosecution case, on 01.11.2024 at about 10.35 A.M., the younger brother of the informant, namely, Ritesh Kumar Yadav, had gone for worship of Maa Laxmi Ji at Katwar Baghaut. It is further alleged that at about 12.30 o'clock, the informant got an information that when his brother was



returning to his house after performing worship, then the co-accused Sugan Yadav, Keshav Yadav, Nikhkil Yadav (petitioner), Manmohan Yadav, Rajnath Yadav and Nitesh Yadav assaulted his brother with knife, lathi, hockey, fists and slaps after surrounding him, due to which, he received severe injuries. Thereafter, the injured was brought to P.H.C., Aandar and from where he was referred to Sadar Hospital, Siwan for his better treatment where the doctor declared him to be dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that there is no specific allegation against the petitioner. The informant is not an eye witness to the alleged offence. The petitioner and the informant are the co-villagers and there is an admitted dispute between the parties. It is further submitted that the alleged occurrence took place between 10.00 A.M. to 12.00 A.M., on the road side in the broad day light but no one had come forward to whisper about the alleged offence and the real fact is that the deceased had injured because he met with an accident on the road but due to previous enmity, he has falsely been implicated in the present case. There is general and omnibus allegation against the petitioner. It is further submitted that no motive and intention



has been mentioned in the F.I.R. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and has further submitted that the petitioner and the other co-accused persons assaulted the younger brother of the informant with knife, lathi, Hockey, fists and slaps, due to which, he succumbed to the injuries. He has further submitted that from perusal of the inquest report and postmortem report, it appears that a fracture frontal bone of skull was found with blood clot in the brain and death is stated to have been caused by shock and haemorrhage due to injuries caused by hard blunt object.

6. Considering the aforesaid facts and circumstances of the case as well as the accusation against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner and the same is rejected with a direction to the petitioner to surrender before the learned court below within a period of six weeks from the date of receipt/production of a copy of this order and the learned court below may consider the prayer for regular bail of the petitioner without being prejudiced of the order of this Court in connection with Assaon P.S. Case No. 126 of 2024, pending in the court of learned A.C.J.M.-III, Siwan.



7. Accordingly, the anticipatory bail application of the
petitioner stands rejected.

(Chandra Prakash Singh, J)

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