

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36957 of 2025

Arising Out of PS. Case No.-59 Year-2024 Thana- EKCHARI District- Bhagalpur

Nitish Kumar @ Nitish Kumar Yadav Son of Santlal Yadav @ Santilal Yadav
Resident of village - Tapua, P.S.- Ekchari, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-06-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Ekchari P.S. Case No. 59 / 2024 dated 01.12.2024 registered under Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 303(2), 308(4), 352, 351(2), 74, 117(2) of the B.N.S. 2023.

3. As per the first information report on 30.11.2024 the accused persons including the petitioner arrived at the house of the informant and demanded Rs. 2 lakh. On refusal, the petitioner and other accused persons assaulted the informant with the butt of the rifle. It has further been alleged that when the informant's son intervened, the co-accused / Pappu Yadav assaulted by stick on the elbow of his son due to which his elbow got fractured and Chotelal Yadav assaulted on the eye of Asha Devi. The co-accused Ramsaran Yadav assaulted on head



of informant's son - Rajkumar Yadav.

4. Learned counsel for the petitioner submits that allegation against the petitioner is general and omnibus in nature. The specific allegation of assault is against Pappu Yadav and Ramsaran Yadav. By the same impugned order Pappu Yadav and Ramsaran Yadav have been granted anticipatory bail but bail application of the petitioner has been rejected by the learned Additional Sessions Judge -XVI, Bhagalpur on the ground that petitioner concealed the criminal antecedent and petitioner has declared one criminal antecedent but there was two criminal antecedent against him. The criminal antecedent was not concealed deliberately but proper instruction was not given to the learned lawyer by the 'pairvikar', who was a lady. The petitioner has declared his correct criminal antecedent before this court in paragraph no. 3 showing two criminal antecedent. The co-accused persons who have been granted bail by the learned Additional Sessions Judge -XVI, Bhagalpur were also having two criminal antecedent which has been discussed in paragraph no. 7 of the impugned order.

5. Considering the aforesaid and the fact that non declaration of criminal antecedent was not deliberate on the part of the petitioner, the allegation against him is general and omnibus in



nature and similarly situated co-accused persons have been granted anticipatory bail by the learned court below, accordingly, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Shrimati Pragya Mishra J.M. 1st Class cum A.M. VI, Bhagalpur in connection with Ekchari P.S. Case No. 59 of 2024 subject to the condition as laid down under Section 482 (2) of the B.N.S.S. 2023.

(Anil Kumar Sinha, J)

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