

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44896 of 2025

Arising Out of PS. Case No.-90 Year-2025 Thana- CHAUTHAM District- Khagaria

Nitin Kumar @ Nitin Patel son of Arun Singh Village- Agrahan PS-
Chautham, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Budhilal Yadav, Adv.

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-09-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Chautham P.S. Case No. 90 of 2025, F.I.R.
dated 10.04.2025 for the offences punishable under Sections
103(1), 61(2) of the BNS read with Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of six cases, but inadvertently at Para-
3 it has been pleaded that petitioner has antecedent of four
cases. It is next submitted that petitioner stands acquitted in one
case.

4. It is next submitted that the informant alleges that
on 09.04.2024 at about 07:35 PM, she along with her husband
were coming back from her parental home on a motorcycle,



when all of a sudden one motorcycle came from behind and dashed the motorcycle of the informant, further the husband of the informant fell when all the accused persons started firing, it is next alleged that the informant identified Ashish, Sonu and Ritesh all resident of Medini Nagar, it is next alleged that Ashish shot her husband on his temple causing injury, thereafter she saw Bijal Singh at the place of occurrence on hearing the sound of firing, informant's son and her nephew came from the warehouse and took the informant's husband to Nectar hospital for treatment where he died during the course of treatment, it is also alleged that prior to this occurrence, Uday Singh and Raj Kumari Devi had threatened many a times to kill informant and her husband and thus informant suspects that all accused persons conspired to kill her husband.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that specific allegation of firing is alleged against named accused persons. It is submitted that petitioner was not even present at the place of occurrence when the occurrence is alleged to have been committed, though, he is named in the FIR as a conspirator. It is



also submitted that Diwakar Singh, a similarly situated co-accused like the petitioner, had approached this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 47881 of 2025 and the same came to be allowed by an order dated 31.07.2025 by a learned Co-ordinate Bench. The learned counsel, thus, based on parity, seeks anticipatory bail.

6. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner. The learned counsel appearing on behalf of the informant submits that what is not in dispute rather stands admitted is that husband of the informant died during the course of treatment, further he was shot by the named accused persons. It is also submitted that allegation of hatching conspiracy for getting the occurrence committed is also alleged and a suspicion on petitioner has been raised. It is next submitted that no doubt, Diwakar Singh has been granted the privilege of anticipatory bail by a learned Co-ordinate Bench, but then while granting anticipatory bail, the consideration was his antecedent i.e. Diwakar Singh is a person with clean antecedent where the instant petitioner carries antecedent of five cases presently.

7. The learned APP also submits that investigation is



in its nascent stages.

8. Considering the submissions made by the learned APP for the State and the learned counsel appearing on behalf of the informant, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

9. Accordingly, the instant anticipatory bail application stands rejected.

(Satyavrat Verma, J)

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