

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51208 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- BARH RAIL P.S. District- Patna

=====

Nishant Kumar @ Chotu @ Chhotu Kumar S/o Sanjay Kumar Resident of
Village- Bahadurpur, Ward No 08, P.S.- Athmalgola, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 25-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Rail Barh P.S. Case No. 5 of 2025 instituted for the offences under Sections 191(1), 191(2), 126(2), 115(2), 125, 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023, Section 27 of the Arms Act and Sections 145, 147 of the Railway Act.

3. Prosecution case, in short, is that, a violent clash involving stone pelting, physical assault and gunfire broke out between two groups at Athmalgola Railway Station over a dispute in which 15-20 individuals were involved. It is further alleged that four accused persons were also arrested by the police.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. The name of the petitioner transpired in this case on the basis of disclosure made the apprehended accused persons. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that, as a matter of fact, petitioner is being dragged in this case merely on the basis of suspicion and there is no cogent material to prove the involvement of the petitioner in the alleged offence. It has been submitted on behalf of the petitioner that the petitioner has no criminal antecedent. The co-accused person has already been granted regular bail by this Court vide order dated 06.05.2025 passed in Cr. Misc. No. 26412 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rail Barh P.S. Case No. 5 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarika Suraksha Sanhita, 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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

