

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80707 of 2024

Arising Out of PS. Case No.-849 Year-2022 Thana- BIHTA District- Patna

Nitish Kumar S/o- Surya Narayan Rai Village-Amnabad, P.S-Bihta, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 08-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 323, 379, 307, 427, 506, 34 of the Indian Penal Code.

3. As many as 11 persons have been made accused in the FIR and there is an allegation of assaulting with lathi, danda and iron rod.

4. Learned counsel for the petitioner submits that there is general and omnibus allegation of assault upon all the accused persons and with regard to the petitioner only an allegation has been made that he assaulted Sonu by means of lathi due to which he sustained injury. However, it would appear from the case diary that there is no injury report of the said Sonu Kumar on record. It is further submitted that the petitioner has



been implicated on account of a land dispute and as a matter of fact, he lives in Punjab for his livelihood and hence, there has been a delay in filing the present anticipatory bail application. It is further pointed out that two other co-accused persons against whom the allegation is that they have assaulted the informant and also Sonu Kumar by means of iron rod have been granted the privilege of anticipatory bail vide order dated 30.09.2024 passed in Cr. Misc. No. 39443 of 2024 (Annexure-P/2) considering the fact that both informant and Sonu Kumar had suffered simple injury.

5. Learned APP for the State has opposed the application for anticipatory bail, besides others on the ground that the petitioner has one criminal antecedent. However, in response to the same, it has been submitted by the learned counsel for the petitioner that the case is of the year 2016 and the petitioner is on bail.

6. Considering all the above-mentioned facts and circumstances, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the



learned court below where the case is pending/successor court
in connection with Bihta P.S. Case No. 849 of 2022, subject to
the condition as laid down under Section 438 (2) of the
Cr.P.C./482(2) of the B.N.S.S.

(Soni Shrivastava, J)

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