

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82896 of 2025**

Arising Out of PS. Case No.-230 Year-2025 Thana- CHHATAUNI District- East Champaran

1. Nihal Kumar @ Omprakash @ Nishal Kumar S/O Kashi Sah All Resident of village -Suraha, P.S.- Muffasil, District- East Champaran.
2. Bhultus Kumar @ Rahul Kumar S/O Madan Prasad All Resident of village -Suraha, P.S.- Muffasil, District- East Champaran.
3. Mithlesh Kumar S/O Bhagirath Prasad All Resident of village -Suraha, P.S.- Muffasil, District- East Champaran.
4. Anand Kumar S/O Awadh Kishor Prasad All Resident of village -Suraha, P.S.- Muffasil, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY**  
**ORAL ORDER**

2      10-12-2025                      Heard Mr. Ajay Kumar Singh, learned counsel for the petitioners and Mr. Uday Pratap Singh, learned APP for the State.

2.The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Chhatauni P.S. Case No. 230 of 2025 instituted for the offence under Sections 189(2), 189(3), 191(2), 190, 285, 126(2), 326(b), 109, 61(2) of the B.N.S., 2023 and Section 8(b) of the National Highway Authority Act.

3. The case of the prosecution in short is that on



25.04.2025 at 21:50 hours, the informant got information that somebody had died in an accident; when she reached there, she found that various persons had blocked the road. The allegation against these petitioners is that they were creating ruckus at the place of the occurrence. There are altogether 11 named and 50 unknown persons in this case.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. He also submits that in this case, no injury has been caused to anybody and in the supervision report, the supervising authority has held that Section 109 is not attracted in this case.

5. The learned trial has directed the petitioners to surrender before the trial court despite that, the petitioners have filed this petition for anticipatory bail before the Hon'ble High Court. The learned counsel for the petitioners has also submitted that though the Supervising Authority has opined that Section 109 of the BNS is not attracted yet this finding is only suggestive and he is scared that on surrendering, the trial court may reject his bail. This situation is very horrible. Since there is a supervision report to the effect that Section 109 is not made out and even from the FIR, it is clear that Section 109 is not



made out. In those circumstances, all the allegations are bailable. In that circumstance the question of apprehension of arrest does not arise. As such, this anticipatory bail application is not maintainable.

6. The learned trial court is directed to consider the prayer for bail of this petitioner on its merits on the same day. The petitioners are directed to surrender before the learned trial court within four weeks from the date of this order.

7. Accordingly, this bail application stands disposed of.

**(Ashok Kumar Pandey, J)**

Sudhanshu/-

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