

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9131 of 2026

Arising Out of PS. Case No.-226 Year-2025 Thana- THALI District- Nawada

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1. Nitish Kumar Son of Hiralal Yadav Resident of Village - Patluka, P.S.- Thali, District - Nawada
 2. Hiralal Yadav Son of Gauri Prasad Yadav Resident of Village - Patluka, P.S.- Thali, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Dr. Indivar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 22-04-2026 Heard the learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. At the outset, learned counsel for the petitioner
No.2 has already been taken into judicial custody and therefore,
he wants to withdraw the anticipatory bail with respect of
petitioner No.2.

3. Permission is accordingly granted.

4. The anticipatory bail application with respect to
petitioner No.2 stands dismissed as withdrawn.

5. Now, the anticipatory bail application is being
considered with respect to petitioner No.1.

6. The petitioner is apprehending his arrest in



connection with Thali P.S. Case No.226 of 2025, F.I.R dated 17.11.2025 registered for the offences punishable under Sections 115(2), 126(2), 109, 352, 351(2), 303(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023.

7. According to prosecution case, in brief, is that while Saroj Devi was constructing her house, the accused persons arrived, demolished its pillars, and began abusing her when she objected. On her raising alarm, her daughter Anjali Kumari came out and was assaulted by Nitish Kumar with a khanti. When her son intervened to pacify the situation, he was pushed to the ground and beaten with a lathi by Hira Lal Yadav. It is further alleged that Nitish Kumar assaulted Shailesh Kumar, and Hira Lal Yadav snatched the informant's golden ornament.

8. Learned counsel for the petitioner submits that the petitioner No.1 and informant are agnates and there is case and counter case and both sides have sustained injuries and for an allegation having caused injuries to the informant by petitioner No.2, who has already been taken into custody, while petitioner No.1 has inflicted injury on the hand of the informant's younger son, Shailesh Kumar, having fractured his hand, which according to the petitioner, is a non-vital part and the injury is simple in nature. It has further been submitted that the petitioner



has a clean antecedent, and petitioner No. 1, being a 22-year-old young man, would suffer serious adverse consequences to his future prospects if he is taken into judicial custody.

9. Learned APP for the State opposes the prayer for anticipatory bail application.

10. Considering the aforesaid facts and circumstances that the petitioner No.1 has assaulted the son of the informant on his hand being a non-vital part of the body and the injury caused is simple in nature and the petitioner No.1 has clean antecedent. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

11. Let the petitioner No.1, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Nawada, in connection with Thali P.S. Case No.226 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family



member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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