

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33552 of 2026

Arising Out of PS. Case No.-189 Year-2018 Thana- ATRI District- Gaya

1. Nitish Kumar S/o- Sunil Yadav R/v- Raghunathpur Ps- Atri Dist- Gaya
2. Lallu Kumar @ Hirday Kumar S/o- Sunil Kumar @ Sunil Yadav R/v- Raghunathpur Ps- Atri Dist- Gaya
3. Shashi Kumar S/o- Sunil Kumar @ Sunil Yadav R/v- Raghunathpur Ps- Atri Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheikh Arkan Ahmad, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 19-05-2026 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State through Virtual Mode.

2. The petitioners apprehend their arrest in connection with Atri P.S. Case No. 189 of 2018 dated 16.06.2018 registered for the offences punishable under Sections 341, 323, 308, 504 and 34 of the Indian Penal Code.

3. The allegation against the petitioners is that they assaulted the informant while he was engaged in construction work at his new house. It is specifically alleged that the petitioner no. 1 assaulted the son of the informant with lathi, causing fracture injuries.



4. The learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case and that the allegations are general and omnibus in nature. It has further been submitted that the specific allegations against Nirjay Kumar of assaulting the informant with lathi on the head and against Nitish Kumar of assaulting the son of the informant with lathi are not substantiated by the nature of injuries sustained. It has lastly been submitted that all the petitioners carry only one criminal antecedent.

5. The learned A.P.P. for the State, at the outset, submits that the case is of the year 2018 and that the petitioners had earlier approached for grant of anticipatory bail after six years before the Court of the learned District and Sessions Judge, Gaya in the year 2024. It has further been submitted by the learned A.P.P. for the State that the said application was dismissed on 25.09.2025 and thereafter the present application has been filed after almost eight months and therefore, on this ground alone, the anticipatory bail application of the petitioners should not be entertained.

6. Considering the aforesaid submissions made by the learned counsel for the parties, I am not inclined to grant anticipatory bail to the petitioners, the petitioners are directed to surrender before the Court below concerned within four weeks



from the date of this order and pray for regular bail, the learned Court below may consider the prayer for regular bail of the petitioners on its own merits without being prejudiced by this order.

7. The application stands dismissed.

(Sourendra Pandey, J)

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