**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.46490 of 2026**

**CNR No. BRHC010644192026**

Arising Out of PS. Case No.-28 Year-2025 Thana- ANDHRATHARHI District- Madhubani

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Nitish Kumar Yadav S/o Surya Nararyan Yadav R/o Village - Nagar Panchayat, Phulparas, P.S. - Phulparas, Dist. - Madhubani.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Manoj Kumar Jha, Adv.
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

ORAL ORDER

6 20-11-2026 Heard the learned Advocate for the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Andhara Thari P.S. Case No. 28 of 2025, registered for the offences punishable under Section 309(6) of the B.N.S.

3. Allegedly, while the informant was returning from his office along with his associate on a motorcycle after collecting money, three miscreants came on separate motorcycles and snatched the valuables at gunpoint. It is further alleged that, in the course of the snatching, one of the miscreants fired at the associate of the informant, as a result of which he sustained a gunshot injury on his right leg.

4. Learned Advocate for the petitioner submits that

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the FIR has been instituted against unknown miscreants. However, during the course of investigation, while the petitioner was languishing in jail in connection with Andhara Thari P.S. Case No. 39 of 2025, registered for the commission of an offence under Section 309(6) of the B.N.S., his confessional statement was forcibly recorded by the police, and his name was implicated in the present case. It is further submitted that, surprisingly, despite the fact that the petitioner was in custody, he was not remanded in the present case and, when the petitioner was granted bail in connection with Andhara Thari P.S. Case No. 39 of 2025, the police started chasing him. Save and except the confessional statement, no other incriminating material has been recovered from the conscious and constructive possession of the petitioner and, as such, the entire prosecution appears to be *mala fide*, is the contention of the learned Advocate.

5. On the other hand, learned Advocate for the State opposes the prayer for pre-arrest bail and submits that the allegation against the petitioner is very serious in nature and his involvement in the occurrence has also transpired from the confessional statements of the petitioner as well as the other accused persons. Moreover, the processes under Sections 84 and

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85 of the BNSS have already been executed and, at this stage, the grant of anticipatory bail in favour of the petitioner in the case at hand does not arise.

6. Having considered the rival submissions advanced by the learned Advocates for the respective parties and taking note of the confession of the petitioner regarding his involvement in the crime; besides the fact that the processes under Sections 84 and 85 of the BNSS have already been executed, this Court does not find any merit in the present bail application. Accordingly, the same stands rejected.

**(Harish Kumar, J)**

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