**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.56843 of 2026**

**CNR No. BRHC010786962026**

Arising Out of PS. Case No.-380 Year-2025 Thana- BALIYA District- Begusarai

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Nitish Yadav @ Nitish Kumar Son of Pramod Kumar @ Pramod Yadav Resident of Village- Chhoti Ballia, Akhtiyarpur, Yadav Tola, P.S.- Ballia, District- Begusarai

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Bindhyachal Singh, Sr. Advocate
Mr. Aakash Singh, Advocate
For the State : Mr. Sanjay Kumar, APP
For the Informant : Mr. Sarvottam Kumar, Advocate

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**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**

ORAL ORDER

3 18-11-2026 Heard learned Senior counsel for the petitioner as well as the informant and learned APP for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 329(3), 352, 351(2), 308(2), 109(1), 115(2), 126(2), 74, 303(2), 3(5) of the BNS.

3. As per the prosecution case, the petitioner along with two unknown persons are said to have demanded Rs. 10,000/- as extortion, threatened and assaulted the informant with a pistol and took Rs. 4,000/-. It is further alleged that they also snatched the informant's gold chain and assaulted her husband.

4. Learned Senior counsel for the petitioner

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submits that the petitioner has been implicated in the present case on account of previous enmity and as a matter of fact, there was neither any theft nor any demand of extortion made on behalf of the petitioner. Further, the FIR was also lodged after a delay of two days and the allegation of assault by the butt of the pistol giving rise to simple injury, would not constitute an offence under Section 109 of the BNS. It has also been pointed out that the charge-sheet was not submitted under the offences of theft and extortion and the present stage of the trial is that charges have been framed on 11.09.2026, however, no witness has been examined so far. As such, there is no likelihood of conclusion of trial in near future. The petitioner is in custody since 08.05.2026 and he undertakes to cooperate in the trial.

5. Learned APP for the State and learned counsel for the informant opposed the bail petition on the basis of the allegations made in the FIR and also that the petitioner has criminal antecedents.

6. However, in response it has been submitted that the petitioner is on bail in all the cases.

7. Taking into consideration the facts and circumstances of the case and also considering the fact that

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charges have now been framed and the petitioner is languishing in custody since 08.05.2026 with an undertaking to cooperate in the trial, let the above named petitioner, be released 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 C.J.M., Begusarai/concerned Court below in connection with Ballia/Baliya P.S. Case No. 380 of 2025 subject to the following conditions :

(i) One of the bailors will be a family member/close relative.

(ii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

**(Soni Shrivastava, J)**

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