

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68034 of 2025

Arising Out of PS. Case No.-61 Year-2025 Thana- Gadhiya Bazar District- East Champaran

Nitish Kumar S/o- Munilal Bhagat @ Munnilal Bhagat Village- Mahauta PS-
Garahiya Bazar Distt- East Champran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Usha Kumari, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP
For the Informant	:	Ms. Harsha Sashwat, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 11-02-2026 Heard Mrs. Usha Kumari, learned counsel for the petitioner duly assisted by Ms. Pragya Sinha, Ms. Harsha Sashwat representing the informant and Mr. Bhanu Pratap Singh, learned APP.

2. The petitioner is apprehending his arrest in connection with Garahiya Bazar P.S. Case No. 61 of 2025 for the offence under sections 191(2), 190, 126(2), 115(2), 118(1), 109, 303(2), 352, 351(2) and 351(3) of the BNS lodged on 09.04.2025 by the informant, Urmila Devi.

3. As per the prosecution story, the informant alleged that upon hearing the noise near a shop, she reached the place and saw her son, Shravan Kumar is beaten by accused persons. Alok Kumar gave knife blow while Rajnish Kumar and



Jamaluddin gave iron rod blow. Further allegation against Vijay Kumar and Nitish Kumar is of putting their legs on the neck/chest of the injured. Allegation further is against Sitaram Shah of putting his leg on the vital organ of the injured and then on the provocation of Dinanath Prasad, the others also assaulted. This led to the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that omnibus allegation has been made against the petitioner, each and every family members have been roped in and the injured himself is a criminal having cases lodged against him which is reflected from the Annexure-3 showing him with a pistol which has been uploaded on the Facebook.

5. The further submission is that though injury has been found on the head but there is no injury on the chest and the last submission is that Rajnish Kumar who has been assigned the role of using iron rod has been extended relief vide order dated 25.08.2025 in Cr. Misc. No. 56291 of 2025 by a Coordinate Bench.

6. Learned counsel for the informant, Ms. Harsha Shashwat opposes the prayer and taken this Court to the FIR to show that the role has also been assigned to this petitioner and



the petitioner has criminal antecedent also.

7. Taking into account the submissions of the parties as also that no injury has been found on the chest, it has been informed that the petitioner is a student, co-accused person, namely Rajnish Kumar against whom specific allegation of assault using iron rod is there has been extended relief, as recorded above, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Motihari, East Champaran in connection with Garahiya Bazar P.S. Case No. 61 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;

(ii) the petitioner 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



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioner 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;

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

(Rajiv Roy, J)

Adnan/-

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