IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77023 of 2026

CNR No. BRHC011094662026

Arising Out of PS. Case No.-84 Year-2026 Thana- Bhelahi District- East Champaran

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Nitesh Kumar S/o Devpujan Yadav @ Shivpujan Yadav Resident of Village- Baadi Tola Parshurampur, P.S.- Bhelahi, District- East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Dhannjay Kumar II, Advocate
For the State : Mr. Ajay Kumar Jha, APP
For the Informant ; Mr. Rajesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State as well as learned counsel for the informant.

2. The Petitioner is apprehending his arrest in connection with Bhelahi P.S. Case No. 84 of 2026 registered for the offence punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 118(1), 109(1), 303(2), 352 and 351(2) of the B.N.S.

3. As per the prosecution case, on 28.06.2026, the petitioner and other co-accused persons formed an unlawful assembly, sharing a common intention, surrounded the informant and started abusing him. Upon the informant's protest,

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co-accused Shivpujan Yadav and Devpujan Yadav instigated the other accused persons to kill him. On their instigation, co-accused Ritesh Kumar tried to assault the informant, who managed to save himself and in course of which he sustained injury on his hand. In the meantime, the petitioner, Nitesh Kumar, assaulted on the head of the informant by means of iron rod but the blow hit his right knee. Thereafter, co-accused Sonu Kumar and Anil Kumar strangulated the informant with a *gamchha*, as a result of which he fell on the ground. In the meantime, when the informant's nephew, Rajesh Kumar, came to rescue him, co-accused Shivpujan Yadav and Devpujan Yadav assaulted him on the head by means of iron rods, while co-accused Ritesh Kumar and the petitioner also assaulted him on the head by means of iron rods. When the informant's cousin brother came to rescue Rajesh Kumar then co-accused Lilawati Devi assaulted him by means of iron rod and snatched Rs. 5,000/- from the informant's pocket.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It has further been submitted that there is a case and counter-case between the parties. Moreover, the genesis of the occurrence has not been disclosed in the FIR lodged by the

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informant against the petitioner, however, in the counter-version lodged by co-accused Shivpujan Yadav, the dispute is stated to have arisen over an attempt by the informant's side to forcibly grab the land and both the parties are close agnates. It has been submitted that, owing to the land dispute, a free fight took place between the parties, resulting in the institution of a case and counter-case, without any premeditation to kill. It has also been submitted that the informant sustained two injuries, one of which, i.e., the injury on the knee, is attributed to the petitioner. However, both injuries were on non-vital parts of the body and were opined to be simple in nature. The nephew of the informant, namely, Rajesh, sustained a slight cut lacerated wound which was also opined to be simple in nature. It has next been submitted that all the other injured persons in the case have sustained simple injuries. Lastly, it has been submitted that the petitioner has clean criminal antecedent as stated in para 3 of the bail petition.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the informant has submitted that the petitioner was a member of unlawful assembly and shared a common intention with the

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other accused persons. It has further been submitted that there is a specific allegation against the petitioner of having assaulted the informant as well as his nephew.

6. Heard the parties and perused the record.

7. Considering the aforesaid facts and circumstances of the case, particularly the genesis of the occurrence as well as the injury reports indicating that all the injured persons sustained simple injuries, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, East Champaran, in connection with Bhelahi P.S. Case No. 84 of 2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

8. Accordingly, the present application stands allowed.

(Praveen Kumar, J)

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