IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77663 of 2026

CNR No. BRHC011136512026

Arising Out of PS. Case No.-111 Year-2025 Thana- BHADAUR District- Patna

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Nitish Kumar @ Nitish Mahto S/O Ramashray Mahto @ Ram Mahto Resident of Village - Balba, P.S. - Ghoswari, P.O.- Sahri, District - Patna, Bihar - 811104.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Saket Tiwary, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

2 18-11-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bhadaur P.S.Case No.111 of 2025 registered for the offences punishable under Sections 126(2),115(2),109(1),324(4),352,351(2),3(5) of BNS, 2023.

3. Allegation against the petitioner is that he alongwith his supporters surrounded the informant and others with deadly weapons and assaulted them brutally, due to which they sustained injuries on various part of the body.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in

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connection with the present case Learned counsel for the petitioner submits that although the petitioner is named in the FIR but from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and the petitioner has been made accused in the present case due to political rivalry. It is further submitted that the petitioner was not present at the place of occurrence. It is next submitted that similarly situated accoused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 17.02.2026 passed in Cr. Misc. No. 2941 of 2026 and the petitioner has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, there is no specific allegation against the petitioner in the FIR, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-Ist Class, Barh,

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Patna in connection with Bhadaur P.S.Case No.111 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

(Ashok Kumar Pandey, J)

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