IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80578 of 2026

CNR No. BRHC011169612026

Arising Out of PS. Case No.-767 Year-2026 Thana- NAWADA District- Nawada

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Sumit Kumar Son of Braj Mohan Jha Resident of Village- Jain Mandir Road Gonawan, P.O.- Gonawan, P.S.- Nawada, Dist.- Nawada

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate
For the Informant : Mr. Ram Prawesh Kumar
For the State : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 25-11-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Town Thana Nawada P.S. Case No. 767 of 2026 registered for the offence punishable under Section/s 115(2), 126(2), 109(1), 117(2), 303(2) and 3(5) of the BNS, 2023.

3. The brief facts of the case is that the informant Saurabh Kumar alleged that on 26.07.026 at about 8:00 PM, he had order for brought some vegetarian item and some non-vegetarian items online through Swiggy of hotel the Handi Hut from By-Pass, Lohani Bigha Nawada and after order of said

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items the owner and staff of the Handi Hut has been supplied both the vegetarian food and non-vegetarian food, packed both all together and supplied order articles mixed with each other. Thereafter, informant along with Sarbesh Kumar and Sanish Kumar came on the Handi Hut Hotel at about 9:25 PM and made its complain, why the food was not sent properly, further alleged that by the informant cannot feed this food to anyone and thereafter hot discussion with hotel owner and informant and others. Thereafter the hotel owner called his man about 20 persons, all having arms weapon and hotel owner ordered to killed this bastered, saying this the hotel owner assaulted the informant by iron rod on his head, again hotel owner (petitioner) assaulted pointed forehead of informant, but the informant saved himself by raising his hand causing fractured in his hand and when Sarbash Kumar and Sanish Kumar came to save the informant, then the hotel owner assaulted on head of Sarvesh Kumar causing bleeding injury with the intention of killing them, due to which the head of Sarvesh Kumar got fractured, after this the several persons assaulting each other from stick and Danda indiscriminately. The informant further alleged that the owner of hotel took out sum of Rs.5000/- from in pocket of the informant. All the accused persons flew away from the

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place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the instant case. By referring to the allegations made in the first information report it is submitted that nothing specific is attributed to this petitioner and without there being any attribution, the petitioner's name has been implicated and the FIR is also lodged against 20 unknown persons and the owner of the Handi Hut and petitioner is not the owner of the said Handi Hut. It has next been submitted that the petitioner has no criminal antecedent and is ready to cooperate with the investigation.

5. Informant is represented through Mr. Ram Prawesh Kumar who is not in a position to dispute the submissions made by the counsel for the petitioner while it has specifically been submitted that these persons armed with lathi and danda had visited the said hotel with an ulterior reason and had assaulted the owner and other staffs of the said hotel.

6. Learned APP for the State opposes the prayer for grant of anticipatory bail.

7. Having heard learned counsel for the parties and considering the fact that nothing specific is attributed to this

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petitioner whereas petitioner is ready to cooperate with the investigation, let the petitioner, above named, be released on anticipatory bail in the event of her arrest or surrender before the court below within a period of six weeks from today on furnishing bail bond of Rs. 10,000/ (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M, Nawada in connection with Town Thana Nawada P.S. Case No. 767 of 2026, subject to the condition as laid down under Section 482(2) of the B.N.S.S. as well as the following conditions:

(i) One of the bailors should be the family member/relative/known of the petitioner who shall provide official document / personal affidavit 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 her bail bond by the Trial Court itself;

(iii) 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;

(iv) the petitioner shall desist from committing any

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criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Ajit Kumar, J)

Prakash/-

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