

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90207 of 2025

Arising out of PS. Case No.-297 Year-2025 Thana- KESARIA District- East Champaran

Nitesh Kumar Mandeshwar Rai R/o Vill. - Bairiya, P.S. - Kesariya District -
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s: Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Kesariya P.S. Case No. 297 of 2025 registered under sections 126(2), 115(2), 318(1), 109, 329(3), 333, 303(2), 352, 351(2) and 190 of the BNS, 2023.

3. The allegation in the First Information Report is that the accused persons including the petitioner assaulted the informant and others causing injuries to them.

4. Learned counsel for the petitioner submits that although there is direct allegation against the petitioner to have inflicted with iron rod over the head of the informant, the injury report (Annexure-2) would indicate that the informant had suf-



ferred simple injuries caused by hard and blunt object and there is no repetition of blow by the present petitioner, as such, the provision of Section 109 BNS would not attract in the facts of the case. It is further submitted that the present case is a counter-blast of Patahi P.S. Case No. 301 of 2025 lodged by Reena Devi against the informant and other family members and also the FIR has been lodged after a delay of two days for which no explanation has been tendered.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Taking into consideration the facts and circumstances of the case and considering the delay in lodging the FIR, there is case and counter-case coupled with the fact that simple nature of injuries have been sustained by the informant, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Kesariya P.S. Case No. 297 of 2025 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 Judicial Magistrate-1st Class, East Champaran, Motihari, subject to the condition laid down under Section 438(2) of the Code of Criminal



Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the following conditions that:-

(i) One of the bailors shall be close relative of the petitioner.

(ii) The petitioner shall co-operate in the investigation/trial and in case of non co-operation on his behalf the prosecution would be at liberty to file application for cancellation of bail of the petitioner.

(Soni Shrivastava, J)

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