

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90660 of 2025

Arising Out of PS. Case No.-28 Year-2025 Thana- BHANAS District- Rohtas

1. Deepak Kumar S/o Late Mosafir Singh @ Musafir Singh R/o Village- Gopalpur, PS- Bhanas, Dist- Rohtas
2. Sudhir Yadav @ Sudhir Kumar S/o Late Mosafir Singh @ Musafir Singh R/o Village- Gopalpur, PS- Bhanas, Dist- Rohtas
3. Neeraj Kumar @ Taklu Yadav @ Taklu Kumar S/o Kanhaiya Yadav R/o Village- Gopalpur, PS- Bhanas, Dist- Rohtas
4. Nikhil Kumar S/o Budhan Sah R/o Village- Gopalpur, PS- Bhanas, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Babu Nandan Prasad, Advocate
	:	Mr. Neeti Ranjan, Advocate
For the State	:	Mr. Madan Kumar, APP
For the Informant	:	Mrs. Priya Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-01-2026 Heard Mr. Neeti Ranjan, learned counsel for the petitioner and Mrs. Priya Gupta, learned counsel for the informant beside the learned APP.

2. The petitioners are apprehending their arrest in connection with Bhanas P.S. Case No. 28 of 2025 registered for the offence under Sections 190, 191(2), 191(3), 192, 126(2), 115(2), 303(2), 109, 352 and 351(2) of the B.N.S. and section 27 of the Arms Act, lodged on 01.07.2025 by the informant, Yashwanti Devi.



3. As per the prosecution story, the informant alleged that upon hearing the firing sound, she rushed to the place and found her husband having fire arm injuries with petitioner no.1, 2 and 3 namely, Deepak Kumar, Sudhir Yadav @ Sudhir Kumar and Neeraj Kumar @ Taklu Yadav @ Taklu Kumar having pistols in their hand assaulting her husband. Others armed variously present there including the petitioner no.4, Nikhil Kumar. The allegation is that they also resorted to theft earlier from the shop and early in the morning had threatened of dire consequences. The entire episode has been videographed. This led to the F.I.R.

4. Learned counsel for the petitioners submit that three different stories have been incorporated in the F.I.R., only to anyhow implicate all the accused person who are one or the same in family. In fact, petitioner no.4, Nikhil Kumar is a young boy, student who has been unnecessary dragged in the F.I.R.

5. Learned counsel for the informant on the other hand opposed the prayer submitting that not only the grave allegation is against petitioner no. 1, 2 and 3, the petitioner no.4 was also present at the place of occurrence. Further, the Police did not even took the statement of the victim/injured



before filing charge-sheet in a routine manner and despite severed injuries, the Medical Officer has given the injury to be simple. The informant is taking necessary steps in the matter for filing appropriate petition before appropriate authority/court.

6. Considering the submissions of the parties as also having gone through the allegation that has come against petitioner no.1, 2 and 3 namely, Deepak Kumar, Sudhir Yadav @ Sudhir Kumar and Neeraj Kumar @ Taklu Yadav @ Taklu Kumar respectively coupled with the fact that all of them are accused persons in number of cases as would reflect from paragraph no.3 of the petition, no relief can be extended to them.

7. The anticipatory bail application of petitioner no.1, 2 and 3 namely, Deepak Kumar, Sudhir Yadav @ Sudhir Kumar and Neeraj Kumar @ Taklu Yadav @ Taklu Kumar stand rejected.

8. So far as the petitioner no.4, Nikhil Kumar is concerned, though presence has been shown, no specific role attributed, he do not have criminal antecedent, is only twenty years of age, in that background, this Court is inclined to extend petitioner no.4, Nikhil Kumar the privilege of



anticipatory bail.

9. Let the petitioner no.4, Nikhil Kumar 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) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bikramganj, Rohtas, in connection with Bhanas P.S. Case No. 28 of 2025 subject to the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner no.4, Nikhil Kumar who shall provide official document (Aadhar Card/Voter Id/Driving License/Pan Card) to show his/her bona fide;

(ii) the petitioner no.4, Nikhil Kumar 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 their bail bond by the Trial Court itself;

(iii) the petitioner no.4, Nikhil Kumar shall appear before the concerned police station every month for next six months to mark their attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail



bonds;

(iv) the petitioner no.4, Nikhil Kumar 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 no.4, Nikhil Kumar shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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