

**IN THE COURT OF SATYA BHUSHAN ARYA, SESSIONS JUDGE, BANKA**

*Nitish Kumar Bhagat @ Nitish @ Nitesh*

*Bail Petition No. 264 of 2026*

*Date of filing : 16.04.2026*

*Date of order : 02.05.2026*

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*Nitish Kumar Bhagat @ Nitish @ Nitesh Kumar son of Avdhesh Bhagat @ Udesb Sah, aged about 26 years, resident of village-Sahabganj(Mathura), P.S.-Belhar, District-Banka*

*..... Petitioner*

*-Versus-*

*State of Bihar*

*.....Opposite Party*

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*Present :- Sri Sanjay Kumar Singh, Advocate for the Petitioner  
Sri Hira Lal Singh, Public Prosecutor for the State*

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### **ORDER**

- 1. Yearning for an order of emancipation the bail petition has been filed by the petitioner, who is booked in Belhar Police Station Case No. 09 of 2026, for the offence allegedly committed under Sections 126(2), 115(2), 109, 352, 351(2), 3/5 of BNS and is confined in jail since 29.03.2026.*
- 2. The case of prosecution is engendered upon an application filed by one Raju Kumar Sah with the allegations that on 09.01.2026, at about 05:00 pm, he went to take tea at Desh Premi tea shop and parked his motorcycle in front of the shop upon which the son of tea shop's owner opposed for parking of the motorcycle. When he refused to removed his motorcycle, he started abusing him. In the evening, at about 07:00 pm, he again went to the tea shop and took a cup tea. He paid rupees 50/- through online and when he demanded rest money, he started abusing. When he opposed, (i). Avdhesh Bhagat, (ii). Nitish Kumar both assaulted him with iron rod, resultantly his head ruptured and blood started oozing.*
- 3. In oral arguments, the learned counsel for petitioner submitted that he has falsely been implicated in this case. He drew attention of the Court on para no. 44 of the case diary whereby he has no criminal antecedent.*

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4. *In counter, learned Public Prosecutor for the State stoutly opposed the bail application on the ground that drew attention of the Court on para no. 38 of the case diary, which is injury report, according to which injured Raju Kumar Sah sustained lacerated wound over scalp & swelling size 2cm x 0.5cm x 0.2cm.*

5. *Heard rival submissions and perused the record. In this case it has been alleged that a squabble took place and the petitioner has specifically been named for assaulting on the head of informant. The injury is on vital part of the body and the case is still at its nascent stage of investigation as no chargesheet has yet been filed; this court is not inclined to grant bail to the present petitioner at this stage; resultantly, the bail petition is dismissed.*

6. *File be consigned to the record room and that of trial court be sent back with a copy of this order.*

7. *Keeping in view the General Order no. 1 of 1991 (Criminal) dated 07.03.1991, the certified copy of FIR, if desired, be returned back to the petitioner on placing the xerox copy thereof on record.*

*(Dictated)*

*(Satya Bhushan Arya)*  
*Sessions Judge, Banka*

*02.05.2026*