

IN THE COURT OF SRI DEEPAK KUMAR-I, ADDITIONAL SESSIONS JUDGE- II, BHAGALPUR

Bail Petition No. 746/2026

(Arising out of **University P.S. Case No. 56/2026**)
U/s 191 (2), 190, 221, 132, 263, 351 (2) (3), 352 BNS.

1. **Nikhil Kumar @ Nikhil Raj**, age 21 years, S/o Sashi Sah @ Sashi Kumar

2. **Nitin Kumar**, age 20 years, S/o Ajay Rai @ Akshat Rai**Petitioners**

Vs

The State of Bihar

.....**Opposite Party**

Appearance:

For the Petitioner/s: **Mr. Ajay Kumar**, Learned Advocate.

For the State: **Mr. Rajesh Kumar Singh**, Learned A.P.P.

Date of Order	Order with Signature of the Court
1	2
17.07.2026	A regular bail petition has been filed on behalf of the above named accused-petitioners, who are in judicial custody since 17.06.2026 in connection with University P.S. Case No. 56/2026 for the offences punishable U/s 191 (2), 190, 221, 132, 263, 351 (2) (3), 352 BNS. On behalf of petitioners a certificate has been given at para-2 of bail petition that earlier petitioners have not filed any anticipatory or regular bail petition either before Ld. Principal Sessions Judge, Bhagalpur or before the Hon'ble High Court, Patna. A certificate has given at para-3 of the bail petition that accused-petitioners have one criminal antecedents bearing Lalmatia P.S. Case No. 61/2026 U/s 126 (2), 115 (2), 117 (2), 109 (1), 351 (2), 352, 3 (5) BNS in which petitioners are on bail. The Prosecution story, in short, is that on 26.05.2026 the informant alongwith other police personnel proceed to arrest the accused persons of Lalmatia P.S. Case No. 61/2026 with the University Police team and raids were conducted at about 23:30 hours in the night at the residence of accused-persons and apprehended four accused persons namely Nikhil Kumar, Niwas Kumar, Nitin Kumar and Subhash Kumar and being informed of the grounds of arrest the arrested family member's and local residence alongwith 20-25 unknown persons attempted to set free the arrested accused-persons and accused Niwash Kumar and Subhash Kumar were successfully freed and escaped and the mob becoming aggressive and started altercation with the police but the police team managed to bring two accused Nikhil Kumar and Nitin Kumar despite they could attempts and all the accused persons alongwith identified individuals abusing the police resulting in injuries to police personnel and made damage the official vehicle using bricks and stones. Hence, this FIR is lodged. The Ld. counsel for the petitioners submitted that the petitioners are innocent and have not committed any offence and they have falsely been implicated in this case. Further, submits that if the police party apprehended the petitioners then how they will participate in the alleged offence and this fact is mentioned in the FIR and there is general and omnibus allegation against the petitioners without attributing the specific overt act and no specific allegations have been made against the

IN THE COURT OF SRI DEEPAK KUMAR-I, ADDITIONAL SESSIONS JUDGE- II, BHAGALPUR.

Bail Petition No. 746/2026

(Arising out of **University P.S. Case No. 56/2026**)

U/s 191 (2), 190, 221, 132, 263, 351 (2) (3), 352 BNS.

Contd..../P-2
17.07.2026

petitioners to assault any police personnel and obstructed any public servant and there is no any incriminating article or any material has been recovered from the place of occurrence and sections 132 & 263 BNS are non-bailable and the maximum punishment prescribed 2 years and 3 years, respectively. Further, submits that petitioners are in judicial custody since 17.06.2026, hence, petitioners deserve bail.

On the other hand, learned Additional Public Prosecutor for the State opposed the prayer for regular bail of the petitioners.

Heard both sides and perused the record from which it transpires that there are allegations against these accused-petitioners and other co-accused persons that when police personnel proceed to arrest them of Lalmatia P.S. Case No. 61/2026 with the University Police team and raids were conducted at about 23:30 hours in the night at the residence of accused-persons and apprehended four accused persons namely Nikhil Kumar, Niwas Kumar, Nitin Kumar and Subhash Kumar and being informed of the grounds of arrest the arrested family member's and local residence alongwith 20-25 unknown persons attempted to set free the arrested accused-persons and accused Niwash Kumar and Subhash Kumar were successfully freed and escaped and accused persons alongwith identified individuals abusing the police resulting in injuries to police personnel and made damage the official vehicle using bricks and stones but on perusal of the case diary it appears that nothing any incriminating material has been recovered from the place of occurrence and witnesses are police personnel. Further, on perusal of the injured persons the doctor has found all injuries are simple in nature except injury report of injured Kumari Gayatri. Further, accused-petitioners are already arrested by the police and there are no specific allegations against them. Moreover, accused-petitioners have been languishing in judicial custody **since 17.06.2026**.

In the facts and circumstances as stated above and considering the period of custody, the prayer for bail of the petitioners is hereby **allowed** and petitioners are directed to be released on bail *after framing of charge* on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two surety of the like amount each to the satisfaction of the Ld. Trial Court.

Sd/-

Additional Sessions Judge II
Bhagalpur.

Date of Judgment/Order	17.07.2026
Date of Reserving Judgment/Order	N/A
Uploading Date	27.07.2026
Uploaded By	Stenographer

IN THE COURT OF SRI DEEPAK KUMAR-I, ADDITIONAL SESSIONS JUDGE- II, BHAGALPUR.

Bail Petition No. 746/2026

(Arising out of University P.S. Case No. 56/2026)

U/s 191 (2), 190, 221, 132, 263, 351 (2) (3), 352 BNS.

--	--