

**In the Court of Sessions Judge, East Champaran at Motihari.**

Present:-

**Abhishek K. Das**  
**Sessions Judge,**  
**East Champaran at Motihari.**

**Anticipatory Bail Petition No. 1296 of 2026**

**Nitesh Kumar, aged about 21 years, S/o- Kamlesh Ram.**

R/o- village- Pipara Khem, P.S. Kalyanpur, District- East Champaran.

-----**Petitioner.**

**Versus**

**The State of Bihar** -----**Opposite party.**

**Counsel for the Petitioner :- Sri Sujeet Kumar, Advocate.**  
**Counsel for the State :- Sri Khublal Prasad, Public Prosecutor.**

**20.04.2026**

This is an anticipatory bail petition filed on behalf of the petitioner, Nitesh Kumar, who is apprehending his arrest in connection with Kalyanpur P.S. Case No.450 of 2024 for the offences U/S 310(2) of Bharatiya Nyaya Sanhita, 2023.

**In para-2 of the anticipatory bail petition, it is mentioned that no other anticipatory or regular bail petition has ever been filed earlier on behalf of the petitioner either in this court or before the Hon'ble High Court, Patna. In para-3 of the anticipatory bail petition, it is mentioned that petitioner has three criminal antecedents vide (1) Kalyanpur P.S. Case No. 01/2025, (2) Kalyanpur P.S. Case No. 429/2024 and (3) Kalyanpur P.S. Case No. 438/2024.**

The learned counsel for the petitioner has submitted that this petitioner is innocent and he has not committed any offence as alleged in the F.I.R. and has falsely been implicated in this case. The allegation whatsoever levelled against the petitioner are out and out false and concocted. He was not arrested at the spot and nothing has been recovered from his possession.

The learned Public Prosecutor appearing on behalf of the State has opposed the anticipatory bail.

The case of the prosecution, in brief, as per the written application of the informant- Shamshul Miya, is that on 28.11.2024 at about 09:00 P.M. five unknown miscreants hired his Innova vehicle bearing registration No.

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BR01PG0560 from Raxual to Chakia. When he reached at Chakia, miscreants requested to proceed towards Brindavan road and near Hanuman Nagar the miscreants stopped the vehicle, assaulted him and snatched key of the vehicle also. The miscreants also snatched his mobile and took out cash Rs. 4000/- from his pocket. The miscreants looted Aadhar Card, Pan Card, Licence, ATM Card and original paper of vehicle and fled away.

Heard both sides and perused the record. From perusal of the record, it appears that the F.I.R. is registered against unknown, but the name of the petitioner surfaced in this case from perusal of para-10 of case diary, in which it is mentioned that during course of investigation of this case on 01.01.2025 at about 22:05 hours, police started checking vehicle at Chakia- Kesariya Road and during course of checking a Innova vehicle was seen coming, seeing the police the driver of the vehicle was fled away, but vehicle was apprehended seated with six men and one woman. On being asked, they disclosed their name as Lal Saheb, Nitesh Kumar (petitioner) , Dharmendra Kumar, Aakash Kumar, Subhash Rai , Ramesh Kumar and Priyanka Devi. On being searched a loaded country made pistol has been recovered from the possession of Ramesh Kumar, a loaded country made pistol has been recovered from the possession of Subhash Rai, a loaded country made pistol has been recovered from the possession of Lal Saheb, a country made loaded pistol has been recovered from the possession of Akash Kumar, a loaded country made pistol has been recovered from a possession of Nitesh Kumar (petitioner) and a country made pistol has been recovered from the possession of Dharmendra Kumar. Nothing has been recovered from the possession of Priyanka Devi. On being demand, they did not produce any paper related to seize arms and ammunition and to the seized vehicle bearing registration no. BR01PG0560. They have stated that on 28.01.2024 they had looted the said vehicle near Hanuman Nagar. They further stated that they used to hire vehicles and looted it on the gunpoint. Their gang leader is Suman Kumar, who used to make plan for robbery. They further stated that they used to sale the looted vehicles after changing its number plate, engine number and chassis number. Confessional statement of Lal Sahab is also mentioned in the said para, where he confessed his own involvement and stated about the involvement of the petitioner in this case. As per para-3 of

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anticipatory bail petition and para-16 of the case diary the petitioner has three criminal antecedents vide (1) Kalyanpur P.S. Case No. 01/2025, (2) Kalyanpur P.S. Case No. 429/2024 and (3) Kalyanpur P.S. Case No. 438/2024. As per para-130 of the case diary, supplementary investigation against the petitioner is under progress.

In the facts of the case and keeping in view the nature of allegation, materials available in the case diary and four criminal antecedents of the petitioner, I am not inclined to give privilege of pre-arrest bail to the petitioner. Accordingly, the prayer for anticipatory bail of petitioner, namely, **Nitesh Kumar** stands **rejected**.

**(Dictated)**

**sd/-**

**Sessions Judge  
East Champaran at Motihari  
20.04.2026**