

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

Present:-

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

Anticipatory Bail Petition No. 1902 of 2026

1. Nitesh Kumar, S/o- America Das.

Resident of Village- Rupdih, P.S. Muffassil, District- East Champaran.

----- **Petitioner.**

Versus

The State of Bihar.

----- **Opposite party.**

Counsel for the Petitioner :- Sri Kedar Nath Prasad, Advocate.
Counsel for the State :- Sri Khublal Prasad, P.P.

09.06.2026

Today a separate petition has been filed on behalf of the petitioner seeking permission to add the name of his father, namely, America Das in the anticipatory bail petition which was earlier left in the anticipatory bail petition.

Permission is accorded. Accordingly, office is directed to add the same as prayed for.

This anticipatory bail petition is filed on behalf of petitioner, namely, **Nitesh Kumar**, who is apprehending his arrest in connection with Muffasil P.S. Case No. 609/2025 for the offences u/s 303(2), 62 and 3(5) 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 Patna High Court and in para-3 of the anticipatory bail petition, it is mentioned that the petitioner has two criminal antecedent vide Harsiddhi P.S. Case no. 273/2018 u/s 354, 354(A), 354(B), 307, 326(A) of Indian Penal Code and Muffassil P.S. Case No. 290/2022 u/s 457, 380 of Indian Penal Code.

The prosecution case, in brief, is the informant, namely, Dhananjay Chaurasia stated that on the night of 08.08.2025 a motor pump was stolen from near the pond located in ward no. 09. A thorough search was made for it but it has not been found. Then, at 02:00A.M. on 22.09.2025, Ranjan Kumar was caught red-handed stealing the motor pump from the same place. He was accompanied by two other accomplices who managed to escape, namely Munna Sahani and Nitesh Kumar (petitioner). The arrested Ranjan Kumar admitted in front of the public that

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a few days ago he had stolen sound box and other tent material from Sunil Pandit, Prop. Anil Tent House, Vill- Basmanpur. The arrested Ranjan Kumar was handed over to the police along with the stolen motor pump.

The learned counsel for the petitioner has submitted that the petitioner is quite innocent, he has committed no offence and has falsely been implicated in this case and whatsoever allegations levelled against the petitioner is out and out false, and concocted.

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

Heard both sides and perused the record. From perusal of the record, it transpires that the petitioner is named in the F.I.R. with the allegation that he along with co-accused helped other co-accused in stealing the motor pump of the informant. As per para-4, 5, 6, 11 and 12 of the case diary, the informant in his restatement and witnesses have corroborated the version of the F.I.R. and supported the prosecution's story. As per para-3 of the bail petition, the petitioner has two criminal antecedents vide Harsiddhi P.S. Case no. 273/2018 and Muffassil P.S. Case No. 290/2022 and as per para-27 of the case diary, the petitioner has two criminal antecedents vide Muffassil P.S. Case No. 203/2021 and Muffassil P.S. Case No. 290/2022, which reflects that the petitioner has three criminal antecedents. The co-accused caught on place of occurrence with stolen articles, who named the petitioner as escaped accomplice.

In the facts of the case and keeping in view nature of allegation and materials available in the case diary as well as three criminal antecedents, 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**.

Let a copy of this order be communicated to the Superintendent of Police, East Champaran at Motihari to take necessary action against the erring I.O. for not verifying the criminal antecedent of the petitioner properly.

(Dictated)

Sd/-

Sessions Judge
East Champaran at Motihari
09.06.2026