

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-V

EAST CHAMPARAN, MOTIHARI

BAIL APPLICATION NO. : 1644/2026

Present:
Rajendra Kumar Sinha
D.A.S.J.-V, Motihari

IN THE MATTER OF:

Nandkishor Rai Nut, aged about 35 years

S/O Badri Rai Nut

R/O Village- Anand Sagar Gamhariya, P.S.- Bhelahi

District- East Champaran

-----Accused/petitioners

Vs

State of Bihar

----Opposite Party

P.S.- Bhelahi

FIR No.- 48/25

Offence u/s- 190, 191(2), 191(3), 126(2), 115(2), 117(2), 109, 76, 132, 121(1),

121(2), 221, 324(3), 326(6) & 111(2) B.N.S.

District: East Champaran

Ld. Counsels for State →

A.P.P. Sri S. C. Prasad Yadav

Ld. Counsel for applicant

Adv. Sri Samrendra Giri

ORDER

16-06-26

1. Vide this order, regular bail application bearing No. 1644/26 filed on dated 02-06-26 on behalf of applicant/accused namely Nandkishor Rai Nut, who is in Judicial custody in connection with the above mentioned case since 18-05-26 is being disposed off.

2. The prosecution case, in brief is that on 03.05.2025 at about 22.00 hour to arrest an apprehending accused, the informant along with other police official raided his house and was duly arrested but the villagers including men & women attacked the police party, brutally assaulted them with sticks and pellets and not only obstructed lawful apprehension of the said accused but also assisted in his escape. The accused persons damaged the official vehicle of police and tried to outrage the modesty of lady constables.

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3. In nutshell, it is argued on behalf of petitioner that earlier he has preferred anticipatory bail petition vide A.B.P. No.182/26 dated 21-01-26 thereafter he preferred Cr. Misc. No. 15844/26 dated 24-04-26. It was argued that the petitioner has no criminal antecedent and is innocent, has committed no offence, has been falsely implicated in this case malafidely and is in judicial custody since 18-05-26. It was argued that the petitioner is named in the FIR but admittedly he has not arrested at the spot and nothing incriminating article has been recovered from their possession and the name of this petitioner find place from the mouth of Mahal Chaukidar who is on enemical terms with the petitioner. There is no specific allegation or overt act against the petitioner save and except general and vague allegation. It was further argued that Sections alleged are also bailable except Sec- 109, 76, 132, 121(1), 121(2) of BNS which are not attracted in this case as the petition has never caused any obstruction in the execution of Govt. duty no any official has sustained and no any injury nor they had intention to disrobe a lady constable. Charge-sheet has already been submitted against this accused petitioner and the co-accused persons have already been taken cognizance U/s- 191(2), 126(2), 115(2), 132, 121 of BNS . It was submitted that on the said circumstances the petitioner deserves to be enlarge on regular bail and accordingly prayer for bail was made

4. On the other hand, Learned Addl. P.P. for state very vehemently opposed the prayer of defence, however, no substantial arguments were made.

5. I have heard all the sides and gone through the record.

6. At this stage, it may be noted that in the original case record the cognizance has been taken after submission of charge-sheet keeping investigation pending against the petitioner. The co-accused persons have been granted bail and the allegations against the petitioner are general & omnibus in nature. The petitioner is incarcerated in judicial custody since 18-05-26 and no purpose would be served to keep him behind bars furthermore.

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7. Under these facts & circumstances discussed above and taking into consideration of custody period of petitioner, let the petitioner namely **Nandkishor Rai Nut**, be released on bail, on furnishing the bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the court below.

8. It is clarified that observations made in the present bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the trial of the present case which is separate issue as per law.

9. Let, this order be sent to the concern court and file be consigned to the record room after due return of documents/materials submitted; if any; to the parties as per provisions.

Sd/-

(RAJENDRA KUMAR SINHA)

D.A.S.J. -V, Motihari

Dated- 16-06-26

Memo No..... Dated

Copy forwarded to the Ld. Court of Ms. Neha Nayyar, JMFC, Raxaul at Motihari, East Champaran.

D.A.S.J. -V, Motihari

Dated- 16-06-26