

Rautara P.S. case no. 217/2025
U/S 305, 331(2), 351(2), 3(5) of the B.N.S.
Accused Name- Nitish Kumar
P.O.-Asutosh Rai. A.S.J.-II, Katihar
A.B.P. NO. 452/2026

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IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE-II

DISTRICT-Katihar
(A.B.P. No. 452/2026)

In the matter of

1.Nitish Kumar aged about 23 years S/o Vidyanand Paswan

R/o- Vill- Khudna, P.S. Rautara, District- Katihar

.....**Accused/petitioner.**

Vs

State of Bihar.....Opposite Party.

Rautara P.S. case no. 217/2025

U/S- 305, 331(2), 351(2), 3(5) of the B.N.S.

Ld, advocate for petitioner- Shri Shiva Nand Pandey

Ld, A.P.P. for the State- Shri Md. Azaj Alam

ORDER

16.05.2026- This anticipatory bail petition has been filed on the behalf of accused-petitioner namely 1. Nitish Kumar who is apprehending his arrest in connection with aforesaid case.

Heard the ld. counsel Shri Shiva Nand Pandey appearing on the behalf of the petitioner and Ld. A.P.P. Shri Md. Azaj Alam on the behalf of the state.

According to F.I.R. prosecution case in nutshell is that informant to this case namely Hari Lal Rishi lodged a written report before S.H.O., Rautara alleging therein that on dated 25.11.2025 at about 04:00 A.M. in morning someone entered into his house and committed theft of one tablet of Samsung company and one mobile of Oppo company. Later on it came to know that one juvenile namely- X and Dharamvir Paswan have committed theft of said mobilel

It would be pertinent to mention here that later on Dharamvir Paswan was arrested and he made confessional statement before police relating to involvement of accused-petitioner namely Nitish Kumar. Later on, police raided at the house of Nitish Kumar and recovered one mobile of Vivo company.

On the other side learned counsel for the petitioner has reiterated all the grounds taken in the bail petition and has submitted that the petitioner is quite innocent and he has committed no offence and he has falsely been implicated in this case. He has further submitted that so-called offence alleged to have committed on 25.11.2025 at 04:00 A.M. ad F.I.R. was lodged on 03.12.2025 and there is inordinate delay of eight days in lodging the F.I.R. without any cogent explanation. He has further submitted that the petitioner is not named in the F.I.R. and his name was figured as accused on the the basis of confessional statement made by Shyam Paswan. He has further submitted that no any stolen articles have been recovered from the possession of the petitioner and accused-petitioner has got no other criminal antecedent. Accordingly, it has been prayed to allow the said anticipatory bail petition.

Per contra, learned A.P.P. has vehemently opposed the prayer for

anticipatory bail.

Heard the both parties and perused the case record from the perusal of case record it is evident that present petitioner is not named accused of the F.I.R. but during investigation his name has been surfaced on the basis of confessional statement made by co-accuse namely Dharamvir Paswan and it is further alleged that one mobile of Vivo company was recovered from the house of petitioner when police raided his house. But from record it is evident that informant's mobile was of Oppo Company and other nothing incriminating articles has been recovered from the house of present petitioner.

So having consideration the above facts and submission made by the Ld. Counsel for the petitioner, the instant anticipatory bail petition is hereby allowed and accordingly it is ordered to release the petitioner namely Nitish Kumar on bail in the case of surrender/arrest within three weeks of this order on furnishing of bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court concerned subject to the condition as mentioned in the section 482(2) of the B.N.S.S.. with additional condition that accused-petitioner will file an undertaking that he will remain physically present before the concerned court on each and every date till framing of charge.

**Addl. Sessions. Judge-II
Katihar**

Date of Order	16.05.2026
Date of Reserving Order	N/A
Uploading Date	27.05.2026
Uploaded By	Prakash Kumar Singh, Steno D.A.S.J.-II, Katihar