

In the Court of District & Additional Sessions Judge-I
Presiding Officer: Dushyant Kumar
Rosera , District-Samastipur
A.B.P. No. 290C of 2026
(Arising out of Bibhutipur P.S. Case No. 358 of 2025)
Date: 05.06.2026

Nitu Devi & Others

.....Accused/Petitioners.

vs.

State of Bihar.

.....Prosecution/O.P.

ORDER

1. The present petition has been filed by the accused petitioner, namely, Nitu Devi, Rahul Kumar, Rohit Kumar @ Vikki, Anil Kumar Sah, Kanchan Paswan and Ram Jivan Sah, seeking anticipatory bail apprehending their arrest in connection with Bibhutipur P.S. Case No. 358 of 2025, registered under Sections 191 (2), 191 (3), 190, 126 (2), 127 (2), 115 (2), 121 (1), 121 (2), 223, 132, 262, 109 (1), 352, 351 (2) of the B.N.S.
2. Briefly stated, on 05.09.2025 at about 08:40 AM, the informant ASI Ranjeet Singh, posted at Vibhutipur Police Station, was on duty when about 70–80 persons forming an unlawful assembly, armed with lathi, danda and iron rods, forcibly entered the police station premises with the intention to free accused persons detained in connection with Vibhutipur P.S. Case No. 319/25. The mob attempted to break open the lock-up gate and, when resisted by the informant and police personnel, started abusing and assaulting them with deadly weapons. The informant sustained injuries while trying to save himself, and Constable Rohit Kumar was also assaulted and injured by the rioters. The mob further attempted to break open the guard room and loot government arms kept therein. On hearing alarm, other police officials and staff reached the spot, whereupon the accused persons fled away. The entire occurrence was captured in the CCTV cameras installed at the police station, and the accused persons were identified thereafter. The injured police personnel were subsequently taken to the hospital for medical treatment. Accordingly, a case was registered against 43 accused persons and others under Sections 191(2), 191(3), 190, 126(2), 127(2), 115(2), 121(1), 121(2), 223, 132, 262, 109(1), 352, and 351(2) of the B.N.S.
3. Ld. Counsel for the accused-petitioners submits that the petitioners are quite innocent and have committed no offence. The petitioners have no criminal antecedents. He further submits that petitioners have falsely been implicated in this case due to enmity. It is further submits that there is no allegation of overt act against the petitioners because they never went to the police station, as such, no case is made out against them. He further submits that the several accused persons have been granted bail either by this Court or by Hon'ble High Court, Patna. Learned Counsel further submits that petitioners lastly prayed that they may be released on anticipatory bail.
4. On the other hand Ld. APP. on behalf of state opposed the prayer for bail.
5. Perused the records. Instant case has been instituted against the accused including the petitioners under Sections 191 (2), 191 (3), 190, 126 (2), 127 (2), 115 (2), 121 (1), 121 (2), 223, 132, 262, 109 (1), 352, 351 (2) of the B.N.S. on the allegation that that they attempted to break open the locks of the police station causing injuries to the police personnel and obstruction in the discharge of their official duties. Upon perusal of records, it transpires that

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injury of injured police is body pain and the same has been opined as simple. Allegations are general in nature against the present petitioners. Other co-accused facing exactly the same allegations as that of the present petitioners have been granted anticipatory bail vide order dated 13.01.2026 passed in ABP No. 582-C of 2025. Similarly other co-accused have been granted regular bail also and nothing had been brought on record by the prosecution to distinguish the case of the present petitioners so as not to apply the principle of parity. All the witnesses are public witnesses which substantially excludes the possibility of witnesses being influenced.

6. Considering the above facts and circumstances of the case including the general and omnibus nature of allegation and injuries that the injured, and taking into account the the fact the similarly situated co-accused have been granted anticipatory bail, it appears that it would be appropriate to grant the the privilege of anticipatory bail to the present petitioners on the ground of parity.
7. Accordingly, the petitioner, namely, Nitu Devi, Rahul Kumar, Rohit Kumar @ Vikki, Anil Kumar Sah, Kanchan Paswan and Ram Jivan Sah, are directed to be released on bail in the event of their arrest or surrender within six weeks from today on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court of the Ld. Magistrate concerned in connection with **Bibhutipur P.S. Case No. 358 of 2025**, subject to furnishing undertaking regarding compliance the conditions mentioned in Section 482(2) of BNSS.
8. Let a copy of this order along with the LCR be sent to the Court of the Ld. Magistrate concerned.

Dictated

District & Additional Sessions Judge -1
Rosera, Samastipur

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