

In the Court of District & Additional Sessions Judge-II
Rosera , District-Samastipur
A.B.P. No. 928 of 2026
C.I.S. No. 213 of 2026
(Arising out of Bibhutipur P.S. Case No. 74 of 2026)

In the matter of

Nitish Kumar and anotherAccused/ Petitioner.

VS.

State of Bihar. Prosecution/O.P.

On behalf of the state/prosecution- Sri Ram Kumar, Ld. APP.

On behalf of the petitioner- Sri Raj Kumar Ld. Advocate.-

18.06.2026

ORDER

The present anticipatory bail petition has been filed on behalf of the accused petitioners namely **1. Nitish Kumar 2. Shankar Rai** in connection with Bichutipur P.S. Case No. 32 of 2019 under Sections- 189(2), 329(4), 126(2), 115(2), 109, 74, 305, 324(4) of B.N.S.

As per the F.I.R., the prosecution story, in brief, is as follows-

The informant, Rekha Devi stated in her fard-bayan that on 14.02.2026 at about 01:00 AM, 10-12 miscreants forcibly entered her house. The miscreants assaulted her and her family members by means of iron rod. One of the miscreants struck on her head by means of iron rod, causing a head injury. The miscreants looted jewellery, cash and some valuable articles. She identified Nitish Kumar as one of the assailants, while her husband identified Shankar Rai during the incident. The miscreants fled away with the stolen properties and leaving behind a motorcycle. In the background of aforesaid incident, the instant case has been lodged.

Ld. Counsel for the accused petitioner has submitted that no anticipatory or regular bail petition has ever been moved or pending or has been disposed of either by the Ld. Court of DASJ Rosera, or by the Hon'ble High Court, Patna. The petitioner namely Nitish Kumar has one criminal antecedent and petitioner namely Shankar Rai has no criminal antecedent. The petitioners are quite innocent and have committed no offences. The petitioners are ready to abide by the terms and conditions imposed by the learned court. There is no chance of his absconding or tempering with the evidence. So, he prays to enlarge the accused petitioners on anticipatory bail.

On the other hand Ld. APP on behalf of state opposed the prayer for bail.

Heard both sides. Perused the record, it has been alleged that 10-12 unknown miscreants were forcibly entered the house of informant and during the incident the miscreants had robbed and badly injured the informant and her family member. According to para 79 of the case diary, one criminal case is pending against the petitioner Nitish Kumar while the petitioner Shankar Rai has no criminal antecedent. The injury reports of the informant Rekha Devi, her husband Mantun Rai, Juli Kumari

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and Kareena Kumari are available on the record. A lacerated wound on right frontal part was found on the skull of Rekha Devi. This injury was found greivious in the opinion of the doctor. Other injury inflicted on the body of the informant is simple in nature. Injuries of Mantun Rai, Juli Kumari and Kareena Kumari were found simple in nature made by hard and blunt object. There are direct and specific allegations of assault against the accused petitioners. A greivious injury may be fatal to the life of the injured. The investigaion of the case is still in progress.

Considering the facts and circumstances of the case, this is not a fit case to grant an anticipatory bail to the accused petitioners. Accordingly, the anticipatory bail petition of the accused petitioners **1. Nitish Kumar 2. Shankar Rai** stand **rejected**.

Dictated

(Rajiv Kumar Mishra)
District &Addl.Sessions Judge -II
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