

In the court of Ist Addl. Sessions Judge, Sheikhpura.
Presiding Officer: Sri Neeraj Kishore
Anticipatory Bail Petition No. 225/2026
Nitish Kumar and others Vs. State of Bihar

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Anticipatory Bail Petition No. 225/2026
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Arising out of SC/ST Sheikhpura Case No. 21/2026
U/s – 126(2), 115(2), 110, 352, 351, 3(5) of B.N.S. and 3(1)(r)(s),
3(2)(va) of SC/ST Act.

1. Nitish Kumar, aged about 25 years
S/o Narsinh Mahto
2. Narsinh Mahto, aged about 62 years
S/o Late Fodari Mahto
3. Dharmendra Mahto, aged about 21 years
S/o Narsinh Mahto
All R/o Vill. – Navinagar, Kakrar
P.S – Ariyari
Dist.- Sheikhpura

..... **Petitioners**

Vs.

State of Bihar

..... **O.P**

Counsel for the petitioners ----- Md. Akbar Khan, Ld. Advocate
Counsel for the State -----Sri. Chandramauleshwar Prasad, Ld. Spl. P.P

ORDER

18.05.2026 Anticipatory Bail petition dated 18.04.2026, filed on behalf of the accused/ petitioners 1. Nitish Kumar, 2. Narsinh Mahto and 3. Dharmendra Mahto who apprehend their arrest in connection with SC/ST Sheikhpura Case No. 21/2026, under Sections – 126(2), 115(2), 110, 352, 351, 3(5) of B.N.S. and 3(1)(r)(s), 3(2)(va) of SC/ST Act pressed today.

Pressing the bail petition, learned counsel for the petitioners has submitted that no bail petition either regular or anticipatory have been filed on behalf of the petitioners either before this Sessions Division or before the Hon'ble High Court and the petitioners have no

SC/ST Sheikhpura Case No. 21/2026 Dated- 18.05.2026 Addl. S.J.Ist, Sheikhpura

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criminal antecedent. It has been further submitted that the petitioners are quite innocent and have committed no offence and have been falsely implicated in this case. It has been submitted that the petitioners have been implicated on the basis of local politics. It has further been submitted that Petitioner No. 1 and Petitioner No. 3 ordinarily reside at Gujarat in connection with their work and Petitioner No. 2 is an old person. Learned counsel has sought to enlarge the petitioners on the privilege of anticipatory bail.

On the other hand, learned Spl. P.P. has opposed the petition for bail. The informant is also physically present to oppose the bail and has been heard.

Case diary has been received.

I have heard the submissions and gone through the materials available on the record, it transpires that no other bail petition of any nature is pending on behalf of the petitioners, either before this Sessions Division or before the Hon'ble High Court and petitioners have no criminal antecedent as revealed from Para 23 of the case diary. It transpires that the instant FIR has been instituted at the instance of informant Nakul Kumar alleging therein that he was going to Husainabad when accused Narsinh Mahto, Dharmendra Kumar and Nitish Kumar not only abused on his caste, but also assaulted him by kudal and lathi at his head causing head injury. It is alleged that he was taken to Sadar Hospital, Sheikhpura for treatment. It is further alleged that the occurrence took place on 28.03.2026, but he was engaged in his treatment as such lodged the FIR on 03.04.2026.

Perusal of the case diary shows that the informant has supported his case in his restatement at Para 3 and the witnesses at Para 7, 8 and 9 have also supported the prosecution case. The injury report of injured Nakul Kumar at Para 19 shows a lacerated wound of size 5cm x 1cm x skin deep on left parietal area of head. The NCCT of brain was found normal. The injury was found simple in nature and caused by hard and blunt substance. It appears that the FIR has been instituted u/s 126(2), 115(2), 110, 352, 351, 3(5) of B.N.S. and 3(1)(r)(s), 3(2)(va) of SC/ST Act and Sec. 18 of the SC/ST Act bars the anticipatory bail. The witnesses have stated in their statements that the petitioners abused the informant by his caste in full public view. No land dispute appears to be in existence between the parties. From the materials available on the record, prima facie offences u/s 3(1)(r)(s), 3(2)(va) of SC/ST Act appears to be made out against the petitioners.

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Under these circumstances considering the nature of offence and its gravity as well as specific bar under the SC/ST Act with regard to the anticipatory bail, I am not inclined to enlarge the petitioners 1. Nitish Kumar, 2. Narsinh Mahto and 3. Dharmendra Mahto on the privilege of anticipatory bail.

The instant anticipatory bail petition dated 18.04.2026 stands **rejected**.

Dictated

(Neeraj Kishore)
Addl. Sessions Judge- 1st
Sheikhpura

Date of Judgment /Order	18.05.2026
Date of Reserving Judgment/Order	18.05.2026
Uploading date	19.05.2026
Uploaded by	Md. Reyazul Haque