

In the Court of **Puneet Kumar Garg**, Sessions Judge, Saran at Chapra
Anticipatory Bail Petition No. 38 of 2026 (Garkha P.S. Case No. 536/2025)

Nitesh Singh & Ors. V/s State of Bihar

ORDER

S.No.	Date	Contents	Remarks
01	24.03.2026	<p>1. Heard learned counsel representing the petitioners-accused as well as learned Public Prosecutor representing the State on anticipatory bail petition of petitioners-accused, namely, <i>i. Nitesh Singh, ii. Shailesh Singh, iii. Rajesh Singh and iv. Manorama Devi</i>, apprehending their arrest in this Garkha P.S. Case No. 536/2025, registered under Sections 191(2), 190, 126(2), 115(2), 109, 76, 303(2) and 352 of the BNS, pending in the Court of <i>Shri Anup Rawat</i>, learned JMFC, Saran at Chapra.</p> <p>2. FIR of this case has been registered on the basis of a written application of the informant, namely, <i>Jaleshwar Singh</i>, stating that on on 11.07.2025 at about 10:00 A.M., the petitioners-accused along with other accused persons came armed with lathi, danda, and iron rods and started assaulting him. It is further alleged that petitioner-accused, <i>Nitesh Singh</i> assaulted the informant with an iron rod with an intention to kill him, causing injuries on the head and ear of the informant. On hearing the alarm, the informant's brother <i>Mukesh Kumar</i> and his wife <i>Mamta Devi</i> arrived to rescue him. The petitioner-accused, <i>Shailesh Singh</i> tore the blouse of the informant's wife, <i>Mamta Kumari</i> and the petitioner-accused, <i>Rajesh Singh</i> allegedly assaulted the informant's brother <i>Mukesh Kumar</i>. The informant also alleged that the petitioner-accused, <i>Manorama Devi</i> snatched <i>mangalsutra</i> from the neck of informant's wife which worth Rs. 30,000/- and co-accused <i>Baliram Singh</i> snatched Rs. 1,000/- from the informant's pocket.</p> <p>3. It is contended on behalf of learned counsel representing the petitioners-accused that they are quite innocent, have not committed any offence as alleged in F.I.R. and have falsely been implicated in this false case. Next contended that earlier one ABP No. 3139/2025 filed on behalf of the petitioners-accused was dismissed for default by this Court <i>vide</i> order dated 11.12.2025 and except that, no ABP or regular bail has been filed on behalf of the petitioners-accused in this Court or Hon'ble High Court, Patna in connection with the present case. Next contended that the petitioners-accused got clean antecedent except this one. Next asserted that all the allegations levelled against the petitioners-accused are false, baseless, fabricated and concocted. There is no specific allegations against the petitioners-accused and the alleged sections are not applicable at all. The petitioners-accused and the informant are patidaars and this false case has been registered due to civil dispute. Further submitted that the present case is the counterblast to Garkha P.S. Case No. 534/2025. The petitioners-accused are ready to furnish sureties as required by the Court. Therefore, it is prayed that the petitioners-accused may be enlarged on anticipatory bail.</p> <p>4. Per contra, learned Public Prosecutor representing the State vehemently opposed the prayer for anticipatory bail of the</p>	

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	<p>petitioners-accused.</p> <p>5. Heard both the sides and perused the relevant materials available on record. From the same, it appears that the allegations against the petitioners-accused are general and omnibus in nature. Furthermore, section 109 of the BNS appears to be not made out against the petitioners-accused and lacks corroboration. It is also noted that section 303(2) of BNS is merely ornamental in nature and has been added without any substantive material to support the allegations therein. Moreover, the petitioners-accused stated to have clean antecedent and co-accused of this case have been enlarged on bail by this Court <i>vide</i> order dated 08.01.2026 passed in B.P. No. 2348/2025.</p> <p>6. So, considering the above facts and circumstances of the case, lack of corroboration of section 109 of BNS, section 303(2) of BNS is merely ornamental in nature, absence of criminal antecedent, and the reasons mentioned herein-above, this Anticipatory Bail Petition, bearing No. 38 of 2026, is hereby allowed. In the event of their arrest or surrender within one month from this order, the petitioners-accused, namely, <i>i. Nitesh Singh, ii. Shailesh Singh, iii. Rajesh Singh and iv. Manorama Devi</i>, be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Court concerned subject to the conditions as laid down u/s 482(2) of B.N.S.S., 2023 :-</p> <p>(I) That the petitioners shall make themselves available for interrogation by I.O., as and when required,</p> <p>(II) That the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the I.O. of the case,</p> <p>(III) That the petitioners shall not leave India without the previous permission of the Court,</p> <p>(IV) That the petitioners are directed to co-operate in trial and disposal of the case.</p> <p style="text-align: right;">[Dictated]</p> <p style="text-align: right;">(Puneet Kumar Garg), Sessions Judge, Saran 24.03.2026</p>	