

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37527 of 2013**

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1. Nimesh Singh, S/O Surendra Singh, resident of village- Sishragarh,  
Police Station- Rajpur, District- Buxar.

2. Ravindra Singh S/O Brahmeshwar Singh, resident of village- Kharhana,  
Police Station- Itarhi, District- Buxar.

.... .... Petitioner/s

Versus

The State Of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ram Suresh Roy, Sr. Advocate.  
Mr. Binod Kumar Singh, Advocate.

For the O.P. 2 : Dr. Amrendra Kumar, Advocate.  
Mr. Ravi Shankar Pandey, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL ORDER**

2 23-12-2013

Heard learned counsel for the parties.

At the outset, Mr. Ram Suresh Roy, learned senior counsel appearing on behalf of the petitioners has submitted that bail application of petitioner no. 1 has become infructuous as the petitioner no. 1, after being arrested, has also been granted regular bail.

He has also submitted that the case of the petitioner no. 2 is exactly identical to that of petitioner no. 1 and since in the impugned order rejecting the prayer for anticipatory bail by the Sessions Judge, there is already an observation for surrendering of the petitioner no. 2 as well for seeking regular bail, he may be allowed to surrender and seek regular bail. He has only prayed that in such a situation the prayer for regular bail of the petitioner no. 2 should be considered and decided by the court below on the same day, keeping in view the regular bail already granted to petitioner no. 1.



Having regard to the allegation against the petitioner no. 2 being exactly the same as against the petitioner no. 1, this Court would accordingly permit the learned counsel for the petitioner to withdraw this application in order to enable the petitioner no. 2 to surrender before the court below within four weeks from today and in case he does so, the court below will be required to dispose of the prayer for regular bail of the petitioner no. 2, on the same day after examining as to whether the case of the petitioner no. 2 is identical to the petitioner no. 1 and if it finds that no difference it shall release petitioner no. 2 namely Ravindra Singh on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Itarhi P.S.Case No. 83 of 2013.

Let a copy of this order be sent by FAX, if the cost of the same is deposited by the learned counsel for the petitioner.

**(Mihir Kumar Jha, J)**

Sujit/-