

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.49058 of 2015**

Arising Out of PS.Case No. -46 Year- 2015 Thana -BEERPUR District- BEGUSARAI

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1. Pankaj Sharma @ Pankaj Kumar S/o Kailu Sharma @ Kailash Sharma  
2. Manish Kumar @ Manish Kumar Sharma S/o Duklar Sharma Vill-  
Maida Babhangama, P.S.- Birpur, Dist- Begusarai.

.... .... Petitioner/s

Versus

1. The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Mr. Pronati Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**  
**ORAL ORDER**

2      03-11-2015      After some arguments, Counsel for the petitioners sought permission to withdraw the application so far as petitioner no. 2 is concerned, against whom there is allegation of assault.

Prayer is allowed.

The application, so far as petitioner no. 2 is concerned, is permitted to be withdrawn.

Petitioner is facing prosecution under sections 341, 323, 307, 379, 504/34 of the Indian Penal Code vide Birpur P.S. Case No. 46 of 2015.

Counsel for the petitioner submits that no specific allegation has been attributed to the petitioner who was only a member of the group. Allegations of theft and assault have been specifically attributed to other accused persons. Petitioner has no criminal

antecedent and he is a student.

Considering the above, in the event of arrest or surrender in the Court below within four weeks, the petitioner no. 1 namely Pankaj Sharma @ Pankaj Kumar is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Amit Anand Judicial Magistrate, 1st Class, Begusarai in Birpur P.S. Case No. 46 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

Pankaj/-

**(Kishore Kumar Mandal, J)**

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