

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19695 of 2020

Arising Out of PS. Case No.-252 Year-2017 Thana- AKBARPUR District- Nawada

1. Kundan Kumar, Male, aged about 26 years, Son of Sudhir Singh, Resident of Village - Gangata, P.S.- Akbarpur, District- Nawada.
2. Onkar Singh @ Kaiku Singh @ Kailu Singh, Male, aged about 27 years, Son of Binod Singh @ Kullu Singh, Resident of Village - Gangata, P.S.- Akbarpur, District- Nawada.
3. Prince Kumar, Male, aged about 23 years, Son of Anuj Singh, Resident of Village - Gangata, P.S.- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan Kumar
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-09-2020 At the outset, when it is pointed out that the petitioner no.1 has got criminal antecedent but the same has not been stated in para 3 of the bail petition, learned counsel for the petitioner seeks permission to withdraw the anticipatory bail petition of petitioner no.1, Kundan Kumar.

Prayer is allowed.

The anticipatory bail petition of petitioner no.1, Kundan Kumar is dismissed as withdrawn.

Heard learned counsel for the petitioners, learned Additional P.P. and Mr. Amresh Sinha, learned counsel appearing on behalf of the informant.



Petitioners No.2 and 3 apprehend their arrest in Akbarpur P.S. Case No.252 of 2017, registered under Sections 147, 148, 341, 323, 354, 376, 511, 447, 448, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are named in the FIR but no specific allegation of assault is made against the petitioners. The brother of the petitioners was killed by the side of the informant for which Akbarpur P.S. Case No.27 of 2017 was registered. The present FIR has been lodged with mala fide intention to desist the petitioners from pursuing the previous case lodged for murder of the brother of the petitioners.

The learned Additional P.P. as well as the learned counsel for the informant vehemently opposed the prayer for anticipatory bail.

Perused the FIR. It appears that the petitioners are of course named in the FIR but no specific allegation of assault is made against the petitioners. The brother of the petitioners was killed in which the informant and his family members are accused.

Taking into consideration the facts aforesaid, let petitioners no.2 and 3, namely, Onkar Singh @ Kaiku Singh @ Kailu Singh and Prince Kumar, in the event of their arrest or surrender before the court below within a period of six weeks from



the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., 1st, Nawada in connection with Akbarpur P.S. Case No.252 of 2017, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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