

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15303 of 2021

Arising Out of PS. Case No.-194 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

1. SHATRUDHAN KUMAR S/O RAMJI YADAV R/o village- Khajuri Purab Tola, P.S.- Kuchaikote, District- Gopalganj
2. Rakesh Kumar S/o Late Seth Yadav R/o village- Khajuri Purab Tola, P.S.- Kuchaikote, District- Gopalganj

... .. Petitioners.

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra
For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-12-2021 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in Kuchaikote P.S. case No. 194 of 2020 registered for the offences punishable under Sections 341, 323, 324, 307, 354, 379, 427, 504 & 506/34 of the Indian Penal Code pending in the Court of learned A.C.J.M.-VIII, Gopalganj.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place.



Petitioners have been falsely implicated in this case due to land dispute. It is further submitted that all the offences are bailable, except the offence under Section 307 & 379 IPC but there is no any overt act against the petitioners and allegation of theft is not specific rather general and omnibus in nature. It is also submitted that other co-accused persons have been enjoying the privilege of regular and anticipatory bail. Petitioners have no criminal antecedent.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioners is serious in nature, hence they do not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected. However, the petitioners are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the very date of surrender.

(Anjani Kumar Sharan, J)

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