

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38751 of 2021

Arising Out of PS. Case No.-257 Year-2020 Thana- BAKHTIYARPUR District- Patna

1. NAWAL RAI @ NAWAL SINGH Son of Chandshekhhar Rai Resident of House No. 41, Ward No. -12, Aanganbari Kendra, Tekkabigha, Ghoswari, P.S.- Bakhtiyarpur, District- Patna.
2. Saurav Rai @ Saurav Kumar S/o Nawal Rai @ Nawal Singh Resident of House No. 41, Ward No. -12, Aanganbari Kendra, Tekkabigha, Ghoswari, P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha
For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-12-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 1 namely, Nawal Rai @ Nawal Singh as during pendency of this application, he has been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner No. 1 namely, Nawal Rai @ Nawal Singh is dismissed as



withdrawn.

The petitioner No. 2 is apprehending his arrest in Special Case No. 6446 of 2020 arising out of Bakhtiyarpur P.S. Case No. 257 of 2020 registered under Sections-341, 332, 353, 34 of the Indian Penal Code and 37(c) of the Excise Act & 25(1-b)a of the Arms Act.

Allegedly, one country made pistol and a mobile are recovered in this case.

It has been submitted on behalf of the petitioner No. 2 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No. 2. The petitioner No. 2 has been falsely implicated in the present case. No incriminating articles is said to have been recovered from possession of the petitioner No. 2. The incriminating articles are said to have been recovered from possession of other co-accused. The name of the petitioner No. 2 has transpired in this case on the basis of disclosure made by local residents and Dafadar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No. 2 in the present case.

On behalf of the State, it is submitted that the petitioner No. 2 is named in the Complaint Case/F.I.R.



Considering the aforesaid facts and circumstances of the case, the petitioner No. 2, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 6446 of 2020 arising out of Bakhtiyarpur P.S. Case No. 257 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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