

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1555 of 2021**

Arising Out of PS. Case No.-415 Year-2019 Thana- MAHUA District- Vaishali

NIKHIL KUMAR, S/o Ranjit Kumar Singh @ Ranjit Singh R/o village-
Madhopur, P.S.- Mahua, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Satyadeo Singh Yadav, A.P.P

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 31-08-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 03.01.2021, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in connection with Mahua P.S. Case No. 415 of 2019, registered under Sections 447, 341, 323, 147, 354, 342, 379, 380 and 427 of the Indian Penal Code and Section 25 (1-B)A, 26 and 35 of the Arms Act, pending in the court of the learned Chief Judicial Magistrate, Vaishali at Hajipur.

The accusation is that ten persons named in the



F.I.R., including the petitioner, having Lathi, Danda and Iron-rod in their hands came at the door of informant Motilal Mahto and made attempt to outrage the modesty of his daughter, aged about 16 years. At that time, Lal Mohan @ Mohan Kumar and Awadh Kishore Mahto laid his daughter on the ground and started outraging her modesty, when informant made protest then Nikhil Kumar (Petitioner) pointed pistol at him and laid him on the ground catching his calar. Thereafter, Pappu Kishore, Jai Kishore and Dipak Kumar caused assault to him through Lathi and stick and other accused entered in the house shop and took cash of Rs. 50,000/- and they also damaged the shop. When villagers rushed then petitioner Nikhil Kumar moved from there leaving the pistol, which was handed over to the Police.

Learned counsel appearing on behalf of petitioner submits that the petitioner was not involved in the alleged occurrence, but, with ulterior motive, the petitioner, who is neighbour of informant, has been implicated in this case.

It appears that the petitioner is also accused in a case of Arms Act & N.D.P.S. Act, as detailed in para-3.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I



am not inclined to grant pre-arrest bail to the petitioner. Accordingly, his prayer for grant of pre-arrest bail stands rejected. The petitioner is directed to surrender before the trial Court within four weeks and pray for regular bail, which shall be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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