

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6412 of 2022

Arising Out of PS. Case No.-373 Year-2021 Thana- GRIYAK District- Nalanda

1. VIPIN KUMAR S/o Karu Yadav R/o Village - Ghora Katora, P.S. - Giriya, District - Nalanda.
2. Mukesh Kumar S/o Badho Yadav R/o Village - Ghora Katora, P.S. - Giriya, District - Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-05-2022 Heard learned counsel for the petitioners and the State through virtual mode.

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

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

Accordingly, this application with regard to petitioner No. 1 namely, Vipin Kumar is dismissed as withdrawn.

The petitioner No. 2 is apprehending his arrest in Giriyak



P.S. Case No. 373 of 2021 registered under Sections 379 & 411 of the Indian Penal Code.

Allegedly, three persons were stealing oil from the tank of watching tower. While the informant ran to catch them, two persons fled away whereas one person namely Indal Yadav was apprehended.

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. The name of the petitioner No. 2 has transpired in this case on the basis of disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No. 2 in the present case. Offences are triable by the Magistrate. There is no recovery of any incriminating article from the possession of the petitioner No.2.

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 Additional Chief Judicial Magistrate-I, Nalanda at Bihar Sharif in connection with Giriyak P.S. Case No. 373 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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