

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9973 of 2022

Arising Out of PS. Case No.-66 Year-2020 Thana- PARWALPUR District- Nalanda

1. Nitish Kumar Son Of Chandrika Yadav R/O Village- Nehuapar, P.S.- Parwalpur, District- Nalanda
2. Rajesh Kumar S/O Ram Piyare Yadav R/O Village- Nehuapar, P.S.- Parwalpur, District- Nalanda

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 14-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners submits that the father's name of the petitioner no.2 is wrongly typed in the petition. He is directed to correct the father's name of the petitioner no.2 in the course of the day and office is also directed to the correct the cause title.

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

The petitioners are apprehending their arrest in a case



registered for the offence punishable under Sections 147, 149, 341, 323, 307, 308, 379, 354, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that there is specific overt act against the petitioner no.1, namely, Nitish Kumar who has assaulted the mother of the informant and injuries found upon the victim are grievous in nature. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the fact that petitioner no.2 has snatched the ornaments of the mother of the informant which seemed to be an ornamental allegation against petitioner no.2, let the petitioner no.2 in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Parwalpur P.S. Case No. 66 of 2020, subject to the condition as laid down under



Section 438 (2) of the Cr.P.C.

Considering the fact that there is specific overt act against the petitioner no.1 who has assaulted the mother of the informant and injuries are grievous in nature, I am not inclined to enlarge the petitioner no.1 on bail in connection with Parwalpur P.S. Case no. 66 of 2022. Accordingly, his prayer for anticipatory bail is hereby dismissed.

(Anjani Kumar Sharan, J)

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