

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19858 of 2021

Arising Out of PS. Case No.-1 Year-2018 Thana- CHIRAIYA District- East Champaran

1. NITESH KUMAR @ NITISH KUMAR @ NITISH KUMAR SHARMA
Son of Shashibhushan Thakur R/o Village- Pansalwa, P.S.- Chiraiya,
District- East Champaran.
2. Shashibhushan Thakur Son of Nathuni Thakur R/o Village- Pansalwa, P.S.-
Chiraiya, District- East Champaran.
3. Shila Devi Wife of Shashibhushan Thakur R/o Village- Pansalwa, P.S.-
Chiraiya, District- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr. Md. Ataur Rehman, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 27-01-2022 Learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioners as well as

learned APP for the State through video conferencing.

The petitioners apprehend their arrest in connection

with Chiraiya P.S. Case No. 01 of 2018, registered for the

offences punishable under Sections 302/34 of the Indian Penal

Code.

As per allegation, the husband of the informant and

the informant were sleeping, meanwhile, the petitioners came



there and petitioner No. 1, Nitesh Kumar @ Nitish Kumar inflicted knife blow on neck, stomach and armpit of the husband of the informant. The husband of the informant died during course of treatment.

Learned counsel for the petitioner has submitted that the allegation of inflicting knife blow on the person of the informant and also on the husband of the informant is only on petitioner No. 1 Nitish Kumar. There is no allegation against petitioner No. 2 and 3 of inflicting assault on the person of the deceased.

Considering the above-mentioned facts and circumstances, in my view petitioner No. 1 does not deserve privilege of anticipatory bail petition.

Accordingly, the anticipatory bail petition of petitioner No. 1 is **rejected**.

There is no specific allegation of assault against petitioner Nos. 2 and 3, as such, let the petitioner Nos. 2 and 3 be released on anticipatory bail in the event of their arrest or surrender within four weeks before the learned court below on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Sikrahana of Dhaka, East Champaran in



connection with Chiraiya P.S. Case No. 01 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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