

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35445 of 2021

Arising Out of PS. Case No.-93 Year-2020 Thana- BALTHAR District- West Champaran

1. NITESH KUMAR Son of Nandkishore Prasad Resident of Village - Bhawri, P.S.- Balthar, Distt.- West Champaran.
2. VIVEK KUMAR Son of Amar Prasad Resident of Village - Bhawri, P.S.- Balthar, Distt.- West Champaran.
3. ANTIMA KUMARI D/o Nand Kishore Prasad Resident of Village - Bhawri, P.S.- Balthar, Distt.- West Champaran.
4. AMIT KUMAR Son of Nand Kishore Prasad Resident of Village - Bhawri, P.S.- Balthar, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-02-2022 Heard learned counsel for the parties through virtual court proceedings.

Learned counsel for the petitioners seeks permission to withdraw this anticipatory bail application filed on behalf of petitioner no.1, Nitesh Kumar.

Prayer is allowed.

This anticipatory bail application is dismissed as withdrawn so far as petitioner no.1, namely, Nitesh Kumar is concerned.

Learned counsel for the petitioners undertakes to



remove the defects within four weeks of normal court proceedings. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

Petitioners No.2 to 4, namely, Vivek Kumar, Antima Kumari and Amit Kumar apprehend their arrest in Balthar P.S. Case No.93 of 2020, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 354(B), 379, 325 and 504 of the Indian Penal Code.

The petitioners and other co-accused persons are said to have abused and assaulted the informant and his brother. Nitesh Kumar, petitioner no.1, is said to have assaulted the brother of the informant by means of iron rod on his nose. Vijay Prasad assaulted the informant by means of iron rod on his head causing head injury. Other accused persons also assaulted the informant on different part of his body.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that there is general and omnibus allegation against the petitioners. It is also submitted that the petitioners have got no criminal antecedent as stated in para 3 of the bail application.



Learned APP for the State opposed the prayer for anticipatory bail of the petitioners.

Having considered the fact that there is general and omnibus allegation against petitioners no.2, 3 and 4, namely, Vivek Kumar, Antima Kumari and Amit Kumar, let petitioners no.2, 3 and 4, namely, Vivek Kumar, Antima Kumari and Amit Kumar in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Balthar P.S. Case No.93 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J.)

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