

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34333 of 2021

Arising Out of PS. Case No.-23 Year-2021 Thana- JANDAHA District- Vaishali

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1. NIKIL KUMAR S/O MILAN RAI R/o village- Mukundpur Bhath, P.S.- Jandaha, District- Vaishali
 2. KUSHESHWAR RAI S/O RAJENDRA RAI R/o village- Mukundpur Bhath, P.S.- Jandaha, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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

Learned counsel for the petitioner seeks permission
of the Court to withdraw the present application in respect of
petitioner no. 2 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect
of petitioner no. 2.

The petitioner no. 1 is apprehending his arrest in a



case registered under Sections 341, 323, 324, 325, 307, 379, 504 and 34 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons entered into the house of the informant and assaulted the informant and family members and taken Rs. 48,000/- from the Godrej.

It has been submitted on behalf of the petitioner no. 1 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no. 1. The petitioner no. 1 has falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner no. 1. No specific overt act is alleged against the petitioner no. 1. The F.I.R. has been instituted after three days of the alleged occurrence. The delay has not been explained by the prosecution.

On behalf of the State, it is submitted that the petitioner no. 1 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner no. 1, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned
Chief Judicial Magistrate, Vaishali at Hajipur in connection with
Jandaha P.S. Case No. 23/2021, subject to the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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