

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33542 of 2021

Arising Out of PS. Case No.-10 Year-2021 Thana- PUNAURA District- Sitamarhi

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1. UMESH RAI @ UMESH KUMAR S/O CHARITAR RAI R/O VILLAGE-RANJITPUR TOLE, GAIBIPUR PASCHIM, P.S-PUNQURA, DISTRICT-SITAMARHI, PIN CODE-843327 (BIHAR).
 2. BHUNESH RAI S/O CHARITAR RAI R/O VILLAGE-RANJITPUR TOLE, GAIBIPUR PASCHIM, P.S-PUNQURA, DISTRICT-SITAMARHI, PIN CODE-843327 (BIHAR).
 3. INDAL RAI S/O CHARITAR RAI R/O VILLAGE-RANJITPUR TOLE, GAIBIPUR PASCHIM, P.S-PUNQURA, DISTRICT-SITAMARHI, PIN CODE-843327 (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Ms Sharda Kumari

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

ORAL ORDER

2 04-04-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

At the outset, learned counsel for the petitioners has submitted that during the pendency of this anticipatory bail application, the petitioner no.3 has been arrested and, as such, the same has become infructuous. He, therefore, seeks permission to withdraw this application as against petitioner no.3.

In view of the aforesaid submission, the application is dismissed as withdrawn as having become **infructuous as**



against petitioner no.3.

The petitioner nos. 1 and 2 apprehend their arrest for the offences alleged under Section 380 of the Indian Penal Code, registered in connection with Punaura P.S.Case No.10 of 2021.

As per allegation, the petitioners entered into the house of the informant in her absence and took away the articles described in the FIR. They threatened Nisha Kumari, the daughter of the informant with knife.

The learned counsel for the petitioners has submitted that the FIR itself shows that the informant came to know about the occurrence on 23.12.2022, but the FIR was lodged after 12 days. He has submitted further that there was previous enmity between the parties and the present case has been lodged for saving the skin from the earlier case lodged by the petitioners' side. The petitioners are persons of clean antecedents.

Considering the above facts and circumstances, let the petitioner no.1 and 2 namely, Umesh Rai @ Umesh Kumar and Bhunesh Rai, in the event of their arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten



thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Punaura P.S. Case No. 10 of 2021, 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 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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