

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40119 of 2020

Arising Out of PS. Case No.-291 Year-2020 Thana- CHOUTARWA District- West
Champaran

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1. Nitesh Pandey @ Nitesh Kumar Pandey Son of Sri Mohan Pandey Resident of Village - Karkhana Tola Patilar, P.S.- Chautarva, Distt.- West Champaran.
 2. Nileshe Pandey @ Nileshe Kumar Pandey Son of Sri Mohan Pandey Resident of Village - Karkhana Tola Patilar, P.S.- Chautarva, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Pandey

For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 29-01-2022 Heard learned counsel for the petitioners and

learned APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by the office when called upon to do so by the office.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 308, 323, 341, 504, 506/34 of the Indian



Penal Code.

Learned counsel for the petitioners seeks permission to withdraw the petition with regard to petitioner No. 1 namely Nitesh Pandey @ Nitesh Kumar Pandey since he has been arrested.

Permission is accorded.

Accordingly, the petition with regard to petitioner No. 1 is permitted to be withdrawn.

The prosecution case as per F.I.R is that when the informant demanded his money back which was given as loan to the petitioners, all the accused persons including the petitioners started abusing and making assault to the informant and when his wife and sister-in-law went to save him, they were also assaulted by the accused persons. It is specifically alleged that petitioner No. 1 assaulted with bamboo stick to the informant and his sister-in-law.

It is submitted by learned counsel for the petitioner No. 2 that there is omnibus and general



allegation against him. The petitioners and the informant are agnates and no specific overt act has been alleged against petitioner No. 2. A statement has been made in para 3 of the petition that petitioner No. 2 has no criminal antecedent.

Considering the aforestated facts, let the petitioner No. 2, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bagaha, West Champaran in connection with Chautarwa P.S. Case No. 291 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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