

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65700 of 2021

Arising Out of PS. Case No.-183 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

1. Nikhil Kishore Son Of Ramdeo Yadav Resident Of Village - Jalalgarh, P.S.- Lalalgarh, Distt.- Purnea.
2. Sanjay Kumar Mandal Son Of Bhola Mandal Resident Of Village - Narwkar, P.S.- Kharik, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-09-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Section 379 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner no. 1 is the owner and petitioner no. 2 is the driver of the alleged vehicle. He submits that no any seizure list



was attached or no any seizure list was made so no question of applicability of Section 379 of the IPC is made out against the petitioner. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the fact that there is no specific allegation against the petitioner no. 1, let the above named petitioner no. 1 in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mojahidpur P.S. Case No. 183 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as petitioner no. 2 is concerned, there is specific allegation against the petitioner no.2, I am not inclined to enlarge the petitioner no. 2 on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with the aforesaid case.



However, if the petitioner no. 2 surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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