

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.559 of 2023

Arising Out of PS. Case No.-230 Year-2022 Thana- BARHARA KOTHI District- Purnia

1. BIKESH KUMAR @ BIKESH YADAV Son of Arun Yadav R/v- Nipania, P.S.- Barhara, Dist- Purnea
2. INDAL @ INDAL KUMAR Son of Kalu Yadav R/v- Nipania, P.S.- Barhara, Dist- Purnea
3. LALTU KUMAR @ LALTU YADAV Son of Dev Narayan Yadav R/v- Nipania, P.S.- Barhara, Dist- Purnea
4. GAURAV KUMAR Son of Dilip Yadav R/v- Nipania, P.S.- Barhara, Dist- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. GUDDU KUMAR PASWAN Son of Late Basudev Paswan R/v- Nipania, P.S.- Barhara, Dist- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sarveshwar Tiwary
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

6 18-05-2023 Learned counsel for the appellants submits that he had inadvertently submitted before this Court that appellant no. 4 has been arrested and he seeks permission to withdraw the application and on basis of his submission the Court had dismissed the application as withdrawn as against petitioner no. 4. However, the fact is that the petitioner no. 4 has not been arrested. He, therefore, prays that the aforesaid order needs to be modified and the case of the petitioner no. 4 may be heard on merit.

In view of the above submission, the part of the order



dated 26.04.2023 whereby the application was directed to be dismissed as withdrawn as against petitioner no. 4 is, hereby, recalled.

The application with respect to the petitioner no. 4 is heard on merit.

Learned counsel submits that the case of the petitioner no. 4 is exactly similar to the case of other petitioners of the case who have been allowed bail by this Court by the order dated 26.04.2023.

Learned Addl. P.P. appearing for the State also submits that the case of this petitioner is similar to the case of other petitioners of the case.

Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, the petitioner no. 4, above named, is directed to be released on bail on furnishing personal bond to the satisfaction of Special Judge SC/ST Act, Purnea in connection with Purnea Brahara P.S. Case No. 230 of 2022 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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