

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17898 of 2022

Arising Out of PS. Case No.-854 Year-2021 Thana- KAHALGAON District- Bhagalpur

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1. BILTU TANTI S/O LATE BASANTI TANTI R/o Village- Mathurapur, P.S.- Shivnarayanpur, District- Bhagalpur
 2. Piyush Tanti S/o Biltu Tanti R/o Village- Mathurapur, P.S.- Shivnarayanpur, District- Bhagalpur
 3. Pritam Kumar S/o Biltu Tanti R/o Village- Mathurapur, P.S.- Shivnarayanpur, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chotu Tanti S/o Sahgu Tanti R/o Village- Mathurapur, P.S.- Shivnarayanpur, District- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. Swapnil Kumar Singh, Adv.
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 10-01-2023 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned senior counsel, Mr. N.K. Agrawal for the petitioners as well as the learned APP for the State.

At the very outset, learned counsel for the petitioners has submitted that the petitioner No. 2, Piyush Tanti, has been arrested. He, therefore, seeks permission to withdraw the anticipatory bail petition in respect of petitioner No. 2.



In view of the aforesaid submission, the anticipatory bail petition of petitioner No. 2 is dismissed as withdrawn.

The petitioner Nos. 1 and 3 apprehend their arrest in connection with Kahalgaon (Shivnarayanpur) P.S. Case No. 854 of 2021, registered for the offences punishable under Sections 447, 323, 379, 302, 504, 506/34 of the Indian Penal Code.

As per allegation, 10 named accused persons entered into the house of the informant, they started assaulting the father of the informant. There is specific allegation against petitioner No. 1, co-accused Mannu Tanti and petitioner No. 2 that they threw the father of the informant from roof due to which he sustained injuries and died.

Learned counsel for the petitioners has submitted that the petitioners are innocent and they have falsely been implicated in this case. He has submitted further that the informant has filed a petition mentioning therein that the deceased had died due to tuberculosis and asthma.

There is specific allegation against petitioner No. 1 that he along with other accused persons had thrown father of the informant from roof resulting into his death. As such, he is not entitled for anticipatory bail. His prayer for anticipatory bail is **rejected**.



If the petitioner No. 1 surrenders before the court below and makes a prayer for regular bail, that shall be disposed of expeditiously.

So far as petitioner No. 3 is concerned there is no such type of allegation against him. The allegations against him are general and omnibus. Let him, in the event of his arrest or surrender within four weeks before the learned court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon (Shivnarayanpur) P.S. Case No. 854 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 in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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