

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22807 of 2023

Arising Out of PS. Case No.-178 Year-2022 Thana- BAIRIYA District- West Champaran

NITESH KUMAR @ NITESH CHAUDHARY Son of Avdhesh Chaudhary
R/V- Bhitaha, PS- Bairiya Distt- West Champaran. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva
For the Opposite Party/s : Mrs. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The defect (s) pointed out by the office is
ignored.

3. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 307 & 379/34 of the Indian Penal Code and Section 27 of
the Arms Act.

4. The allegation against the petitioner is that he
was the member of the gang who assaulted the informant and
others and also committed robbery.

5. It is submitted by learned counsel for the
petitioner that no such occurrence as alleged ever took place.
He has been falsely implicated in this case. The allegation
levelled against the petitioner is not specific rather general and



omnibus in nature. Similarly situated co-accused, namely, Vikas Kumar @ Vikash Kumar and Mukesh Chaudhary have been enlarged on bail by a co-ordinate bench of this court vide order dated 16.05.2023 and 17.04.2023 passed in Cr. Misc. Nos. 11659 of 2023 and 6654 of 2023 respectively. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

6. Having regard to the facts and circumstances of the case as no specific overt act has been attributed against the petitioner and similarly situated co-accused has already been granted bail by co-ordinate Bench of this Court, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 Bairiya P.S. Case No. 178 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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