

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No 41647 of 2023**

Arising Out of PS. Case No.-58 Year-2023 Thana- MAINATAND District- West Champaran

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1. SHAIENDRA KUMAR @ SHAIENDRA KUMAR PRASAD Son of Sri Ramnarayan Chaudhary Resident of village - Mainatand, P.s. - Mainatand, Distt. - West Champaran
2. Niraj Kumar Son of Sri Ramnarayan Chaudhary Resident of village - Mainatand, P.s. - Mainatand, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr Abhishek Kumar, Advocate  
For the Opposite Party/s : Mr Atul Chandra, APP

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**CORAM: HONOURABLE MR JUSTICE SUNIL DUTTA MISHRA**

**ORAL ORDER**

**2      02-08-2023**                      Heard learned counsel for the petitioners and the learned APP for the State.

2 Learned counsel for the petitioners submits that petitioner No 1 Shailendra Kumar @ Shailendra Kumar Prasad has already been arrested. Accordingly, he seeks permission to withdraw this petition filed on behalf of petitioner No 1. Permission is accorded.

3 This application is dismissed as withdrawn so far as petitioner No 1 Shailendra Kumar @ Shailendra Kumar Prasad is concerned.

4 The petitioner No 2 Niraj Kumar apprehends his arrest in connection with Mainatand PS Case No 58 of 2023



dated 13.04.2023 instituted under Sections 341, 323, 327, 384, 386, 504, 506/34 of the Indian Penal Code.

**5** As per the prosecution case, the allegation against petitioner No 2 Niraj Kumar is that he along with the other seven accused persons came on the landed property of the informant and demanded Rs 50 lacs for constructing boundary wall. Co-accused Anup Kumar has also pointed gun on the informant and also assaulted the brother-in-law and husband of the informant causing injury to them.

**6** Learned counsel for the petitioners submits that the petitioner No 2 is innocent and has committed no offence. Allegation against him is general and omnibus. The main allegation is against the co-accused Anup Kumar. Petitioner No 2 Niraj Kumar has no criminal antecedent. He is neither the vendor nor the purchaser and he has no concern with the land in question.

**7** Learned APP opposes the prayer for anticipatory bail.

**8** Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner No 2 Niraj Kumar be released on bail



upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 01<sup>st</sup> Class, Bettiah, West Champaran in connection with Mainatand PS Case No 58 of 2023, subject to the conditions as laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

M.E.H./-

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