

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48663 of 2022

Arising Out of PS. Case No.-685 Year-2021 Thana- KUDHNI District- Muzaffarpur

1. RAHUL TIWARI @ RAHUL RAJ Son of Shyam Narayan Tiwari Resident of Tiwari Bhawan, House No. 89, Ward No. 39, Hariom Nagar, Near Dr. B.R. Ambedkar Dental College, Danapur, Police Station - Danapur, District - Patna.
2. Abhiraj @ Aviraj Son of Shyam Narayan tiwari Resident of Tiwari Bhawan, House No. 89, Ward No. 39, Hariom Nagar, Near Dr. B.R. Ambedkar Dental College, Danapur, Police Station - Danapur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishan Jha
For the Opposite Party/s : Mr.Uday Pratap Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 11-01-2023 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

At the outset, learned counsel for the petitioners has submitted that during the pendency of this anticipatory bail application, petitioner no.1 has been arrested and, as such, the same has become infructuous. He, therefore, seeks permission to withdraw this application as against petitioner no.1.

In view of the aforesaid submission, **the application is dismissed as withdrawn as having become infructuous as against petitioner no.1 Rahul Tiwari @ Rahul Raj.**



Petitioner no. 2 apprehends his arrest for the offences alleged under Sections 420, 379, 406 and 34 of the Indian Penal Code, registered in connection with Kudhni P.S.Case No. 685 of 2021.

Learned counsel for the petitioners has submitted that the main allegation of taking vehicle of the informant on lease and not paying rent is on Sagar Tiwari and not on petitioner no.2. he has falsely been made accused merely because he is the brother of Sagar Tiwari. He has submitted further that in all the cases where Sagar Tiwari has misappropriated the amount of vehicle holders, the innocent family members of Sagar Tiwari have been implicated.

Considering the above facts and circumstances, let petitioner no.2, Abhiraj @ Aviraj, above-named, in the event of his arrest or surrender within four weeks from the date of communication of this order, 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 ACJM 1st (West) Muzaffarpur in connection with Kudhni P.S.Case No. 685 of 2021, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all the defects are removed by



the petitioners within the stipulated time provided hereinabove,
failing which the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey, J)

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