

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54479 of 2022**

Arising Out of PS. Case No.-426 Year-2021 Thana- SIMRI District- Buxar

1. NIRBHAY KUMAR @ NIRBHAY KUNWAR S/o Awadhesh Kumar @ Awadhesh Kumar Resident of Village-Dumri, P.S.- Simri, District- Buxar.
  2. ANKIT KUMAR @ ANKIT KUNWAR S/o Awadhesh Kumar @ Awadhesh Kunwar Resident of Village-Dumri, P.S.- Simri, District- Buxar.
- ... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

**WITH**

**CRIMINAL MISCELLANEOUS No. 54532 of 2022**

Arising Out of PS. Case No.-426 Year-2021 Thana- SIMRI District- Buxar

1. AWADHESH KUMAR @ AWADHESH KUNWAR Son of Late Bodhi Kumar Resident of Village-Dumri, P.S.-Simri, District-Buxar
2. Ramesh Kumar @ Ramesh Kunwar Son of Late Bodhi Kumar Resident of Village-Dumri, P.S.-Simri, District-Buxar

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 54479 of 2022)

For the Petitioners : Mr. Ramakant Sharma, Sr. Advocate  
Mr. Setu Prateek, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 54532 of 2022)

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate  
Mr. Setu Prateek, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      24-07-2023      As both these bail applications have cropped up from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this



common order.

2. Heard Mr. Ramakant Sharma, learned senior counsel assisted by Mr. Setu Prateek, learned Advocate for the petitioners and learned A.P.P. for the State.

3. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 379, 325, 504 and 506 of the Indian Penal Code.

4. All the F.I.R. named accused persons including these petitioners in furtherance of their common intention armed with deadly weapons are said to have assaulted the informant and his family members with intention to kill them due to which they sustained injuries. They also looted away cash of Rs.17,70,885/-.

5. It is submitted by learned senior counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to dirty village politics. It is further submitted by learned senior counsel that as a matter of fact, Abha Devi was a Mukhiya candidate in the panchayat election, who belongs to petitioners' family, and the candidate of the informant's side was a dummy candidate and lost his deposit in the election and could secure only eight votes. Due to this sole reason, the whole petitioners'



family has been falsely implicated in this case. It is further submitted that as per F.I.R. all sections are bailable, except Section 379 I.P.C., which is super addition only. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners of Cr. Misc. No.54479 of 2022 have one criminal antecedent, whereas petitioners of Cr. Misc. No.54532 of 2022 have three criminal antecedents as mentioned in para-3 of their respective application.

6. Having regard to the facts and circumstances of the case as no specific over act has been attributed against the petitioner no.2, namely, Ankit Kumar @ Ankit Kunwar of Cr. Misc. No.54479 of 2022 and petitioners, namely, Awadhesh Kumar @ Awadhesh Kunwar and Ramesh Kumar @ Ramesh Kunwar of Cr. Misc. No.54532 of 2022, they are directed to be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Simri P.S. Case No.426 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



7. Considering the facts and circumstances of case as well as the fact that specific overt act has been attributed against petitioner no.1, Nirbhay Kumar @ Nirbhay Kunwar of Cr. Misc. No.54479 of 2022 and the injury attributed by him was found grievous in nature, I am not inclined to enlarge him on anticipatory bail. The prayer for anticipatory bail of the petitioner no.1, Nirbhay Kumar @ Nirbhay Kunwar is hereby rejected.

8. However, if the petitioner, Nirbhay Kumar @ Nirbhay Kunwar surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

**(Anjani Kumar Sharan, J)**

Trivedi/-

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