

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56152 of 2022

Arising Out of PS. Case No.-488 Year-2021 Thana- DAUDNAGAR District- Aurangabad

1. BALVEER KUMAR Son of Bausdev Singh RESIDENT OF VILLAGE DHEWHI POLICE STATION DAUDNGAR DISTRICT AURANGABAD
2. Amrendra Kumar @ Gabbar Son of Basudev Singh RESIDENT OF VILLAGE DHEWHI POLICE STATION DAUDNGAR DISTRICT AURANGABAD
3. Ashok Kumar @ Ashok Singh Son of Ram Swarup Singh Resident of Parasan Bigha, Police Station - Daudnagar, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Y.C. Verma, Sr. Advocate Mr.Manoj Kumar Singh, Adv. Mr.Pawan Kumar, Adv.
For the Opposite Party/s :		Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-02-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 147, 148, 149, 341, 323, 120(B), 384, 302 and 504 of IPC and 27 of the Arms Act.

As per the prosecution case, the F.I.R. named accused persons including the petitioners forcefully tried to take the son of informant inside their vehicle with an intention to kidnap him but somehow, he managed to escape. It is further alleged that the accused persons beaten up the son of informant for extortion after chasing him, which resulted in his death.



It is submitted by learned senior counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to prior enmity. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that the instant case is the counter blast of the earlier case filed by one Ravi Kumar against the sons of the informant including the deceased. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the petitioner no.3 to fire upon the son of informant.

After some arguments, learned senior counsel for the petitioners seeks permission to withdraw this application as against petitioner no.3 namely Ashok Kumar @ Ashok Singh.

Permission is granted.

This application on behalf of petitioner no.3 stands dismissed as withdrawn.

However, if petitioner no.3 surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass the order, in accordance



with law, without being prejudiced of withdrawal of this application against the petitioner no.3.

However, having regard to the facts and circumstances of the case, let the above named petitioner nos.1 and 2, 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 court below where the case is pending/Successor Court in connection with Daudnagar P.S. Case No.488 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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