

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63084 of 2022**

Arising Out of PS. Case No.-138 Year-2021 Thana- MEDNI CHAUKI District- Lakhisarai

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1. Nitish Kumar Son of Late Upendra Singh R/o Village - Rishi Paharpur, P.S.- Mednichauki, District - Lakhisarai.
2. Sanjay Kumar Son of Doman Das R/o Village - Haibatganja, P.S.- Mednichauki, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rajnish Chandra

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      11-04-2023                      At the outset, counsel for the petitioners seeks permission to withdraw this anticipatory bail petition with respect to Nitish Kumar petitioner no. 1, as during pendency of this case, petitioner no. 1 has already been arrested.

Permission is accorded. The anticipatory bail petition with respect to petitioner no. 1 is dismissed as withdrawn having become infructuous.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 366(A) of the Indian Penal Code.



As per the prosecution case, on the alleged date and time of occurrence when the informant and his family members had gone for voting, in the meantime, co-accused Nitish Kumar enticed away the niece of informant. Thereafter, informant went to the house of Nitish Kumar and inquired about her niece, where she was abused by co-accused namely, Janaki Devi.

It is submitted that petitioner has been falsely implicated in this case simply because he is friend of co-accused Nitish Kumar. Moreover, the victim girl in her statement under Section 164 Cr.P.C has not supported the prosecution case. Co-accused Janaki Devi has been granted bail by a coordinate Bench of this court vide order dated 06.09.2022 passed in Cr. Misc. No. 11037 of 2022.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate Ist, Lakhisarai in connection with Mednichauki P.S. Case No. 138 of 2021, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Singh, J)**

vinita/-

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