

Arising Out of PS. Case No.-879 Year-2023 Thana- NAWADA District- Nawada

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- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Sugandha Prasad, Adv.

For the Opposite Party/s : **Mr.Pawan Kumar Chaurasia, APP**

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-11-2023

1. Learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail of petitioner No.3, ABHINANDAN KUMAR.

2. Considering the above submission, prayer for anticipatory bail of petitioner No.3 stands dismissed as withdrawn.

3. Heard learned counsel for the petitioners and the learned APP for the State.

4. The petitioners apprehend their arrest in connection with Nawada (Kadirganj O.P) P.S. Case No. 879/ 2023 dated



09/06/2023 registered for the offence(s) punishable under Section(s) 341, 323, 325, 379, 427, 504 read with Section 34 of the Indian Penal Code.

5. The main submissions advanced by the learned counsel for the petitioners are that admittedly, there was a political rivalry in between the informant and Manoj Kumar and as per the prosecution's story narrated by the informant, all the accused persons covered their faces while committing the alleged occurrence of maar-peet with informant and the informant claimed to have identified the petitioners mainly on the basis of hearing the voice of the petitioners, which was not sufficient to identify any of them and moreover, all the alleged offences of the FIR except the offence of 379 of the IPC, are bailable and the allegation concerned to the offence under Section 379 of the IPC is not specific against any of the petitioners, who have fair and clean antecedent and the allegation of assaulting the informant made against the petitioners is general and omnibus.

6. Learned APP appearing for the State has opposed the bail prayer.

7. Considering the above submissions and mainly taking into account the fair and clean antecedents of the



petitioners and the above defences taken by the petitioners in my opinion, petitioners deserve to the privilege of anticipatory bail. Accordingly, let the petitioners No. 1, 2 and 4 named-above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Nawada (Kadirganj O.P.) P.S. Case No. 879/ 2023 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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