

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78334 of 2023

Arising Out of PS. Case No.-90 Year-2023 Thana- FESHAR District- Aurangabad

1. Sumit Kumar @ Bhinda S/O Late Gandhi Singh Village- Phesra, Ps. Fesar, Dist. Aurangabad
2. Pinku Kumar S/O Ram Swarup Singh Village- Phesra, Ps. Fesar, Dist. Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 07-12-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to the petitioner no. 2 i.e. Pinku Kumar who has already been arrested.

Permission is accorded.

Accordingly, the present anticipatory bail application is dismissed as withdrawn with respect to petitioner no. 2.

3. The petitioner is apprehending his arrest in a case in connection with Fesar P.S. Case No. 90 of 2023 G. R. No. 963 of 2023 dated 26.04.2023 registered for the offences punishable u/ss 380 and 461 of the Indian Penal Code.



4. As per the prosecution case, the petitioner and the co-accused person are alleged to have committed theft of Rs. 1,90,000/- from the house of the informant at night.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that the petitioner who happened to be co-villagers of the informant and there is drainage dispute between the parties due to which, the informant has lodged this case against the petitioner. Nothing has been recovered from the possession of the petitioner and the petitioner has no concern with the alleged recovery. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner Sumit Kumar @ Bhinda, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Aurangabad in connection with Fesar P.S. Case No. 90 of 2023, G.R. No. 963 of 2023, subject to conditions as laid



down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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