

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28928 of 2024

Arising Out of PS. Case No.-651 Year-2023 Thana- WARISLIGANJ District- Nawada

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1. Nitish Kumar @ Sonu son of Ajay Ram Village- Chakway Ps- Warisaliganj Dist- Nawada
 2. Manish Kumar @ Mitthu son of Ajay Ram Village- Chakway Ps- Warisaliganj Dist- Nawada
 3. Ritik Kumar @ Shadu @ Ritik Raushan son of Ajay Ram Village- Chakway Ps- Warisaliganj Dist- Nawada
 4. Ajay Ram son of Late Prasadi Ram Village- Chakway Ps- Warisaliganj Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-05-2024 It has been informed by learned counsel for the petitioners that during the pendency of the petition, the petitioner nos. 3 and 4 namely Ritik Kumar @ Shadu @ Ritik Raushan and Ajay Ram have been taken into custody and as such their petition be permitted to be withdrawn.

2. The anticipatory bail of petitioner nos. 3 and 4 stands dismissed as withdrawn.

Heard the parties.

2. The petitioner nos. 1 and 2 are apprehending



arrest in connection with Warisaliganj P.S. Case No. 651/2023 instituted under Section 452, 323, 307, 34 of the Indian Penal Code lodged on 29.12.2023 by the informant, Abhimanyu Kumar.

3. As per the prosecution story, the informant has alleged that the accused persons variously armed assaulted causing injury to Abhimanyu Kumar. Further, Ajay Ram (petitioner no.4) had pistol in his hand, that caused injury which followed the FIR.

4. Learned counsel for the petitioners submit that allegations are omnibus in nature., Ajay Ram has already been arrested. Further, they are agnates and in that background, irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 5000/- each through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

5. Learned APP opposes the prayer submitting that though the allegations are omnibus, there is/are injuries on the part of the informant's side (Abhimanyu Kumar).



6. Taking into account the aforesaid facts as also the nature being omnibus, Ajay Ram has already been arrested, the petitioner no.1 Nitish Kumar @ Sonu and petitioner no. 2 Manish Kumar @ Mitthu having no criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs.5000/- each as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant after checking credentials.

7. Let the petitioner no.1 Nitish Kumar @ Sonu and petitioner no.2 Manish Kumar @ Mitthu be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Warisaliganj P.S. Case No. 651/2023 to the satisfaction of learned Chief Judicial Magistrate, Nawada subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member



of the petitioner no.1 Nitish Kumar @ Sonu and petitioner no.2 Manish Kumar @ Mitthu who shall provide official document to show his/her bona fide;

(ii) the petitioner no.1 Nitish Kumar @ Sonu and petitioner no.2 Manish Kumar @ Mitthu shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner no.1 Nitish Kumar @ Sonu and petitioner no.2 Manish Kumar @ Mitthu shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioner no.1 Nitish Kumar @ Sonu and petitioner no.2 Manish Kumar @ Mitthu shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioner no.1 Nitish Kumar @ Sonu and petitioner no.2 Manish Kumar @ Mitthu shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(vi) the petitioner no.1 Nitish Kumar @ Sonu and
petitioner no.2 Manish Kumar @ Mitthu shall desist from
committing any criminal offence again, failing which the
State shall be at liberty to take steps for cancellation of their
bail bonds.

(Rajiv Roy, J)

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