

Tinku Ram @ Tunku Ram vs The State Of Bihar on 11 November, 2024

Author: Partha Sarthy

Bench: Partha Sarthy

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.73366 of 2024

Arising Out of PS. Case No.-320 Year-2024 Thana- TURKAULIYA Distri
Champanan

=====
Tinku Ram @ Tunku Ram S/o Naval Ram R/o Village-Basant Phulwari, P.O.-
Birju Milki, P.S.- Harnaut, District- Nalanda, Bihar

Versus

The State of Bihar

... .. Opposite Party/s

=====
Appearance :

For the Petitioner/s : Mr. Rajiv Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

=====
CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 11-11-2024

1. Heard learned counsel for the parties.

2. Learned counsel for the petitioner submits that the allegations levelled against the petitioner being under section 106(1) and section 281 of the Bhartiya Nyaya Sanhita, 2023, both the sections being bailable, he be enlarged on anticipatory bail. It is further submitted in reference to the order of the learned Court below rejecting the application for anticipatory bail that the learned Court below has stated in the order that the offence is fully covered under section 106(2) of the Bhartiya Nyaya Sanhita, though the said section 106(2) has still not being notified.

3. Let the State file a brief counter affidavit only with respect to the aforesaid submission as to whether section 106(2) Patna High Court CR. MISC. No.73366 of 2024(2) dt.11-11-2024 of the Bhartiya Nyaya Sanhita, 2023 has been notified or not and if notified, a copy of the notification thereof be brought on record.

4. During pendency of this application, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on provisional bail in connection with Turkauliya P.S Case no. 320 of 2024 on furnishing bail bond of

Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Motihari, East Champaran.

5. Put up this case on 9.12.2024.

(Partha Sarthy, J) Shiv/-

U T