

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13933 of 2022

Arising Out of PS. Case No.-184 Year-2021 Thana- KALUAHI District- Madhubani

1. RAM EKBAL YADAV Son of Asharafi Yadav Resident of Village - Narar Godh, P.S. Kaluahi, District - Madhubani.
2. Sanjay Yadav Son of Asharafi Yadav Resident of Village - Narar Godh, P.S. Kaluahi, District - Madhubani.
3. Baijnath Yadav Son of Asharafi Yadav Resident of Village - Narar Godh, P.S. Kaluahi, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

2 08-08-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

At the outset, learned counsel for the petitioners has submitted that during the pendency of this anticipatory bail application, petitioner no.1 has been arrested and, as such, the same has become infructuous. He, therefore, seeks permission to withdraw this application as against petitioner no.1.

In view of the aforesaid submission, the application is dismissed as withdrawn as **having become infructuous as against petitioner no.1.**



Heard the learned counsel for the petitioners and learned counsel for the informant.

Petitioner nos. 2 and 3 apprehend their arrest for the offences alleged under Sections 143, 341, 323, 325, 448, 452, 307, 379 and 504 of the Indian Penal Code, registered in connection with Kaluahi P.S.Case No. 184 of 2021.

As per allegation, eight named accused persons entered into the house of the informant. They committed *loot paat*. Petitioner no.3 after wrapping *gamcha* around the neck of the informant ordered other accused persons to kill him, whereupon petitioner no.2 and co-accused Jitendra Yadav assaulted him on his head. He warded off the infliction resulting in fractured injury on his hand.

Learned counsel for the petitioners has submitted that petitioners are innocent. The present case has been lodged due to enmity regarding election of *Panchayat*. He has submitted further that the case has been lodged after declaration of the result of the election in favour of petitioner no.3.

On the other hand, learned counsel for the informant has submitted that petitioners have criminal antecedents. Petitioner no.2 is involved in a case of serious nature i.e. under Section 302 of the IPC and one of the injuries sustained by the



informant is grievous in nature.

Considering the above facts and circumstances, petitioner nos. 2 and 3 do not deserve the privilege of anticipatory bail. Their prayer for anticipatory bail is hereby rejected.

Office shall ensure that all the defects are removed by the petitioners within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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