

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33617 of 2021

Arising Out of PS. Case No.-50 Year-2020 Thana- TANKUPPA District- Gaya

1. ARVIND KUMAR S/O Mundrika Yadav R/O Village Nauranga Kharauna, P.S. Tankuppa, District - Gaya.
2. LALA YADAV S/o Late Nirmali Yadav R/O Village Nauranga Kharauna, P.S. Tankuppa, District - Gaya.
3. SUBODH KUMAR YADAV @ SUBODH KUMAR S/O Krishna Yadav @ krishna Prasad Yadav R/O Village Nauranga Kharauna, P.S. Tankuppa, District - Gaya.
4. PAPPU KUMAR S/O Krishna Yadav @ Krishna Prasad @ Krishna Prasad Yadav R/O Village Nauranga Kharauna, P.S. Tankuppa, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi

For the Opposite Party/s : Mr. J.N.Thakur

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 05-04-2022 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 nos. 2 and 4 have been arrested and, as such, the same has become infructuous. He, therefore, seeks permission to withdraw this application as against petitioner nos. 2 and 4.

In view of the aforesaid submission, the application is



dismissed as withdrawn as having become **infructuous as against petitioner nos. 2 and 4.**

The petitioner nos. 1 and 3 apprehend their arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code and subsequently Section 302 IPC was added, registered in connection with Tankuppa P.S.Case No. 50 of 2020.

As per allegation, the accused persons including the petitioners had encroached the public path and after measurement when the informant was returning with his companions, the accused persons intercepted their ways and started assaulting them. Co-accused Pappu Kumar, Dilraj Kumar Yadav and Praveen Kumar Yadav @ Chhotu Kumar inflicted *lathi* blows on the informant and made him injured. They also assaulted Karan Yadav, Devan Yadav and Kamlesh Yadav. Devan Yadav died subsequently and after his death, Section 302 IPC was added.

The learned counsel for the petitioners has submitted that, although the petitioners are named in the FIR, but there is no specific allegation on them to assault Karan Yadav, Devan Yadav and Kamlesh Kumar, rather the specific allegation of inflicting the assault to Karan Yadav, Devan Yadav (the



deceased) and Kamlesh Kumar is on co-accused Pappu Kumar, Dilraj Kumar Yadav and Praveen Kumar Yadav @ Chhotu Kumar.

The learned counsel for the informant has submitted that the regular bail petition of co-accused Pappu Kumar @ Pappu Yadav has been rejected by a coordinate Bench of this Court in Cr.Misc. No. 58450 of 2021.

The case of the petitioner nos. 1 and 3 is distinguishable as specific allegation of assault on the deceased was attributed against co-accused Pappu Kumar @ Pappu Yadav, whereas on petitioner nos. 1 and 3 there is no specific allegation of assault, either on the deceased or on the other injured persons.

Considering the above facts and circumstances, let the petitioner nos. 1 and 3 namely, Arvind Kumar and Subodh Kumar, respectively, in the event of their arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1, Gaya in connection with Tankuppa P.S.Case No.50 of 2020, subject to the conditions as laid down under Section 438(2) Cr.



P.C.

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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