

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45171 of 2021**

Arising Out of PS. Case No.-30 Year-2020 Thana- KAJRA District- Lakhisarai

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1. SUBE LAL YADAV S/o MASUDAN YADAV R/o PUNADIH, P.S-KAJRA, DISTRICT-LAKHISARAI.
 2. ROHIT KUMAR @ ROHIT YADAV S/o BHIM YADAV R/o PUNADIH, P.S-KAJRA, DISTRICT-LAKHISARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Ram Anurag Singh

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

ORAL ORDER

2 12-04-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

At the very outset, the learned counsel for the petitioners has submitted that during the pendency of this criminal miscellaneous petition, petitioner no. 1 has been arrested, as such, this criminal miscellaneous petition has become infructuous with respect to him.

In view of above submission, this criminal miscellaneous petition is **dismissed as infructuous with respect to petitioner no.1.**



So far as petitioner no. 2 is concerned, he apprehends his arrest in connection with Kajra P.S. Case No. 30 of 2020 registered for offence punishable under sections 147, 149, 341, 323, 324, 307, 427, 504 and 506 of the Indian Penal Code.

As per allegation, when the informant was irrigating his field, the accused persons including the present petitioner came there and badly assaulted the informant. Co-accused Kapil Yadav assaulted him with butt of pistol on his head. When the family members went to rescue him, the accused persons named in the FIR assaulted them.

The learned counsel for the petitioners has submitted that there is a land dispute between the parties. There is case and counter case and the petitioners are the persons of clean antecedents. He has submitted further that the specific allegation of inflicting assault by the butt of pistol to the informant is against co-accused Kapil Yadav and not against the present petitioner. So far as the present petitioner is concerned, the allegation against him is general and omnibus in nature.

Considering the above mentioned facts and circumstances, the **petitioner no. 2**, in the event of his arrest or surrender, within four weeks from today, is directed to **be released on bail** on furnishing bail bonds of Rs.10,000/- with



two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class , Lakhisarai in connection with Kajra P.S. Case No. 30 of 2020, subject to condition as laid down under section 438(2) Cr. P.C.

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

(Nawneet Kumar Pandey, J)

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