

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45995 of 2021**

Arising Out of PS. Case No.-172 Year-2020 Thana- NAANPUR District- Sitamarhi

-
1. PANKAJ JHA @ SUNNU JHA @ PANKAJ ZA S/o LATE MAHANARAYAN JHA @ MAHANARAYAN ZA, R/o WARD 13, KOILY, P.S-NANPUR, RASULGANJ @ KOILY, DISTRICT-SITAMARHI, BIHAR
 2. AJIT PATHAK S/o SHRI PATI PATHAK, R/o VILLAGE-KOILY, RASULGANJ @ KOILY, P.S-NANPUR, DISTRICT-SITAMARHI, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gautam Kumar Kejriwal Mr. Alok Kumar Jha
For the Opposite Party/s :		Mr.Gauri Shankar Gupta

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

ORAL ORDER

2 15-04-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State through video conferencing.

At the very outset, the learned counsel for the petitioners has submitted that during the pendency of this criminal miscellaneous petition, petitioner no. 2, Ajit Pathak 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. 2.**

So far as petitioner no. 1 is concerned, he apprehends his arrest in connection with Nanpur P.S. Case No. 172 of 2020 registered for offence punishable under sections 153A and 295A/34 of the Indian Penal Code.

As per allegation, petitioner no.1 Pankaj Jha @ Sunnu Jha @ Pankaj Za and Ajit Pathak painted the photograph of Baba Saheb Bhim Rao Ambedkar and thereby they committed gross violation of the Constitution of India.

The learned counsel for the petitioners has submitted that petitioners are innocent and have falsely been implicated in this case. By drawing my attention towards Annexure-2, he has submitted that the present petitioner along with 177 persons of the village made a complaint against the informant and other persons that they have encroached the land of Brahma Asthan. On the complaint of the present petitioner, the resolution of panchayati was passed by the Gram Panchayat, in which the informant and other persons were directed to vacate the land belonging to the Brahma Asthan. The xerox copy of the resolution has been annexed as Annexure-3. As submitted, it was the reason for false implication of the present petitioner.

Considering the above mentioned facts and



circumstances, **let petitioner no. 1**, in the event of his arrest or surrender, within four weeks from today, **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 Sub-Divisional Judicial Magistrate (P), Sitamarhi in connection with Nanpur P.S. Case No. 172 of 2020, subject to condition as laid down under section 438 (2) of the Code of Criminal Procedure.

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

(Nawneet Kumar Pandey, J)

Mahesh/-

U		T	
---	--	---	--

