

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48931 of 2021

Arising Out of PS. Case No.-131 Year-2021 Thana- PIPRA District- East Champaran

1. RAM BISWASH YADAV @ RAM BISWASH KUMAR Son of Shipahi Yadav Resident of Village - Bherkhiya, P.S.- Pipra, Distt.- East Champaran , Motihari.
2. Ramkalash Yadav @ Ram Kailsh Kumar Son of Shipahi Yadav Resident of Village - Bherkhiya, P.S.- Pipra, Distt.- East Champaran , Motihari.
3. Mokhtar Rai Son of Jagan Rai Resident of Village - Bherkhiya, P.S.- Pipra, Distt.- East Champaran , Motihari.
4. Radhe Kumar @ Radheshyam @ Radheshyam Kumar Son of Sawarup Sahani Resident of Village - Bherkhiya, P.S.- Pipra, Distt.- East Champaran , Motihari.
5. Gannu Yadav Son of Mohan Prasad Yadav Resident of Village - Bherkhiya, P.S.- Pipra, Distt.- East Champaran , Motihari.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-06-2022 At the outset, learned counsel for the petitioners submits that petitioner no. 4 namely Radhe Kumar has been arrested and as such, this petition has become infructuous, so far as petitioner no. 4 is concerned.

Accordingly, in respect of petitioner no. 4 Radhe Kumar, this petition is dismissed as same has become infructuous.

The petitioners apprehend their arrest in a case registered for the offence under Section 307 & other allied sections of the Indian Penal Code and Section 27 of the Arms Act.



As per the prosecution case, the petitioners are alleged to have assaulted informant's father by lathi, danda and knife, due to which, the informant's father sustained head injury. There are also allegation of firing against petitioners.

Submission is that the allegation of assault and firing is general and omnibus. There is land dispute between the parties, for which, casual *Maarpit* took place. It is further submitted that after lodging of the F.I.R., the parties have compromised the case and a compromise petition has also been filed in the court below on 27.07.2021 (Annexure 2).

However, considering the nature of accusation and the fact that firing was made and three empty cartridges and one live cartridge were recovered from the place of occurrence and the offences are non-compoundable, the prayer for anticipatory bail of petitioners is rejected.

(Prabhat Kumar Singh, J)

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