

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70082 of 2021

Arising Out of PS. Case No.-113 Year-2021 Thana- CHARPOKHARI District- Bhojpur

1. PANKAJ UPADHYAY @ PANKAJ KUMAR UPADHYAY Son of Baban Upadhyay Resident of Village- Manaini, Police Station- Charpokhari, District- Bhojpur.
2. Deepak Upadhyay @ Deepak Kumar Upadhyay Son of Baban Upadhyay Resident of Village- Manaini, Police Station- Charpokhari, District- Bhojpur.
3. Baban Upadhyay Son of Late Ramrup Baban Upadhyay Resident of Village- Manaini, Police Station- Charpokhari, District- Bhojpur.
4. Vikah Upadhyay @ Vikash Kumar Upadhyay Son of Om Prakash Upadhyay Resident of Village- Manaini, Police Station- Charpokhari, District- Bhojpur.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amarendra Kumar
For the Opposite Party/s : Mr.Ajit Kumar

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

ORAL ORDER

2 28-07-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the learned APP for the State.

At the outset, learned counsel for the petitioners has submitted that during the pendency of this petition, the petitioner Nos. 2 and 3 have been arrested. He, therefore, seeks permission to withdraw this anticipatory bail petition in respect of petitioner Nos. 2 and 3.

In view of the aforesaid submission, the anticipatory bail



petition in respect of petitioner No. 2 and 3 is dismissed as withdrawn as having become infructuous.

The petitioner Nos. 1 and 4 apprehend their arrest in connection with Charpokhari P.S. Case No. 113 of 2021, registered for the offences punishable under Sections 341, 323, 506, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation, the petitioners came to the filed of the informant and forcibly started ploughing despite the fact that there was a decree of civil court in favour of the informant. They also assaulted and opened fire but none of the members of the informant side sustained any injuries.

Learned counsel for the petitioners has submitted that entire allegation is false and there is allegation of firing but none has sustained injuries. He has submitted further that the learned Additional Sessions Judge-XVIII, Bhojpur at Ara has rejected the anticipatory bail petition only on the ground of criminal antecedent of the petitioner. Learned counsel has submitted further that all the cases as mentioned in paragraph No. 3 have been lodged either by the informant or his family members.

On the other hand, learned Addl.P.P. has opposed the prayer for bail.

Considering the above-mentioned facts and circumstances, especially the fact that though there is allegation of firing but none has sustained any kind of injury, let the petitioners, in



the event of their arrest or surrender within four weeks before the learned court below, 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 Chief Judicial Magistrate, Bhojpur, Ara in connection with Charpokhari P.S. Case No. 113 of 2021, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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