

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.136 of 2022

Arising Out of PS. Case No.-675 Year-2020 Thana- KHAGARIA District- Khagaria

1. SHEKHAR YADAV Son of Late Chhotelal Yadav Resident of Village- Baluwahi, P.S.- Khagaria, District- Khagaria.
2. Prashant Kumar Son of Tuna Singh Resident of Village- Bherwar, P.S.- Muffasil, District- Begusarai, at present resident of Village- Baluwahi Bus Stand, P.S.- Khagaria, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Atul Chandra
Mr. Shailendra Kumar

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

ORAL ORDER

2 02-08-2022 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 Mr. Shailendra Kumar, the learned Additional Public Prosecutor for the State.

At the outset, the learned counsel for the petitioners has submitted that during the pendency of this anticipatory bail petition, petitioner no. 1 has been arrested and, as such, it has become infructuous with respect to him. He, therefore, seeks permission to withdraw this petition with respect to petitioner no. 1.



In view of the aforesaid submission, **this petition is dismissed as withdrawn with respect to petitioner no. 1.**

So far as petitioner no. 2 is concerned, he apprehends his arrest in connection with Khagaria P.S. Case No. 675 of 2020 registered for offence punishable under sections 147, 148, 149, 341, 323, 307, 504, 385 of the Indian Penal Code, 27 of the Arms Act and sections 3/4 of the Explosive Substance Act.

As per allegation, petitioner no. 1 Shekhar Yadav (arrested) came to the Tea Stall of the petitioner, demanded Rangdari of Rs.50,000/-. Thereafter, petitioner no. 1 and co-accused Rudal Yadav assaulted the son of the informant and Rudal Yadav also opened fire and exploded bomb. There is also allegation against petitioner no. 1 that he assaulted the son of the informant.

The learned counsel for the petitioners has submitted that there is case and counter case. There is no allegation against petitioner no. 2 of opening fire or exploding bomb, that is only against Shekhar Yadav and Rudal Yadav. He has submitted further that both the parties have amicably settled their dispute and the present case as well as counter case has been compromised.

Considering the above-mentioned facts and



circumstances, **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 Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 675 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 petitioners 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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