

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59061 of 2022**

Arising Out of PS. Case No.-33 Year-2022 Thana- VIDYAPATINAGAR District- Samastipur

1. Shambhu Kumar Choudhary @ Shambu Choudhary Son of Rajendra Chaudhary Resident of- Sherpur, P.S.- Vidyapati Nagar, District- Samstipur
2. Sanjay Choudhary @ Sanjay Kumar Choudhary Son of Late Anand Chaudhary @ Late Ananda Chaudhary Resident of- Sherpur, P.S.- Vidyapati Nagar, District- Samstipur. .. .. Petitioner/s

Versus

The State of Bihar. ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pritish Kumar Lal  
For the Opposite Party/s : Mr.Shailendra Kumar

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

ORAL ORDER

2      02-01-2023                      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 counsel for the State.

At the outset, the learned counsel for the petitioners has submitted that during the pendency of this criminal miscellaneous petition, petitioner no. 2, Sanjay Choudhary @ Sanjay Kumar Choudhary has been arrested, as such, it has become infructuous with respect to him. He, therefore, seeks permission to withdraw this criminal miscellaneous petition with respect to petitioner no.2.

In view of above submission, **this petition is dismissed as withdrawn with respect to petitioner no. 2.**

So far as petitioner no. 1 is concerned, he apprehends his arrest in connection with Vidyapati Nagar P.S. Case No. 33 of



2022 registered for offence punishable under sections 447, 341, 323, 324, 307, 379, 504, 506, 325/34 of the Indian Penal Code.

The learned counsel for the petitioners has submitted that there is no overt act against petitioner no. 1, rather overt act to assault the injured with *khanti* is on co-accused, Ajay Choudhary. He has submitted further that both the parties are agnates. There is land dispute between the parties and there is case and counter case for the same day occurrence.

Considering the aforesaid 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 Additional Chief Judicial Magistrate-III, Dalsinghsarai, Samastipur in connection with Vidyapati Nagar P.S. Case No. 33 of 2022, 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)**

Mahesh/-

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