

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38450 of 2015

Arising Out of PS.Case No. -60 Year- 2014 Thana -SRINAGAR District-
WESTCHAMPARAN(BETTIAH)

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1. Bihari Yadav S/o Brijhan Yadav
2. Lalan Yadav S/o late Gopal Yadav Both r/o Vill Srinagar (Pujaha) P.s
Srinagahr (Pujaha) Dist .W.Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Abhay Kumar 1 (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-09-2015 Heard Sri. Dhananjay Kumar No. 2, learned counsel
for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Srinagar P.S. Case No. 60 of 2014 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 380, 354A and 504 of the Indian Penal Code.

The prosecution case is that the informant has given fardbeyan before the police alleging therein that on 08.09.2014 Sipahi Yadav, Rajesh Yadav and Dharmendra Yadav were grazing cattle in his field. It is further stated that he has said to stop it but they were not ready for it. It has further been stated that on evening petitioners along with others surrounded the house of the informant and started him abusing. On protest, petitioners assaulted the informant on his head with farsa and Lalan Yadav

assaulted his son when he came there to rescue him. Other accused persons had taken away two boxes containing Rs. 30,000/- and ornaments amounting to Rs. 1.00 lac.

It has been submitted by the learned counsel for the petitioners that petitioners are innocent and have falsely been implicated in the aforesaid case. It has further been submitted that the present F.I.R. is an after thought of the counter case bearing Shrinagar P.S. Case No. 56 of 2014 filed by the petitioner against the informant in order to save their skin. It has further been submitted that there is land dispute between the parties.

Under such circumstances, let the petitioners namely Bihari Yadav and Lalan Yadav, in the event of their arrest or surrender within a period of four weeks from today before the 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 Judicial Magistrate, 1st Class, Bettiah West Champaran in connection with Srinagar P.S. Case No. 60 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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