

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27244 of 2015

Arising out of PS.Case No. -175 Year- 2014 Thana -KURTHA District- JEHANABAD

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1. Nagendra Yadav, S/o Naresh Yadav.
2. Devendra Yadav, S/o Naresh Yadav.
3. Ravindra Yadav, S/o Naresh Yadav.
4. Pahalwan Yadav @ Pahalad, S/o Late Bhadai Yadav.
5. Naresh Yadav, S/o Late Bhadai Yadav. All residents of village - Shukul Bigha, P.S. Kurtha, (Manikpur), District – Arwal.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Manibhushan Pratap Sengar,
Advocate.

For the Opposite Party : Mr. Renu Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-09-2015 Heard learned counsel for the petitioners and learned
counsel for the State

The petitioners are apprehending their arrest in connection with Kurtha (Manikpur) P.S. Case No. 175 of 2014 for the offences instituted under Sections 147, 148, 149, 452, 363, 365, 380, 341, 323 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that while the informant was sleeping in her house, in the meantime, the petitioners alongwith other co-accused persons, is said to have attacked on the informant's house from where ornaments kept in a

box worth of Rs. Two lacs as well as cash of Rs.50,000/- has been looted by co-accused Rajesh Yadav and Badshah Yadav and they have also assaulted with misbehaving to the informant whereas the petitioners besides other co-accused persons have also kidnapped Pappu Kumar on the point of firing opened by fire arms.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. From perusal of the case diary, it would appear that there is an admitted land dispute between the parties and further the allegation of kidnapping is falsified from the fact that the victim was seen around the police station itself.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R. and they have actively participated in the alleged occurrence. The victim has been examined under Section 164 Cr. P.C. and he has named the petitioners.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected in connection with Kurtha (Manikpur) P.S. Case No. 175/2014, pending in the court of the learned C.J.M., Jehanabad. Anyhow, if the petitioners surrender in the court below within a period of six weeks from the date of receipt/production of copy of

this order the same shall be considered on its own merit without
being prejudiced by this order.

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(Sudhir Singh, J)

