

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41590 of 2015

Arising Out of PS.Case No. -235 Year- 2014 Thana -KHARIK District- BHAGALPUR

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1. Rajesh Yadav, Son of Narayan Yadav
2. Niro Yadav @ Niranjan Yadav, Son of Uday Yadav
3. Dhiro YAdav, Son of Uday Yadav
4. Uday Yadav, Son of Late Panchu Uadav
5. Narayan Yadav, Son of Late Ambika Yadav All are resident of village-
Usmanpur, P.S. Kharik, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Nawal Kishore Prasad(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-10-2015 Heard learned counsel for the petitioners Mr. Ranjan Kumar Jha and learned A.P.P. for the State.

So far as petitioner Nos. 2 and 3 namely, Niro Yadav @ Niranjan Yadav and Dhiro Yadav, learned counsel for the petitioners seeks permission to withdraw their names from the application.

The names are permitted to be deleted so that they may take recourse to remedy in accordance with law.

So far as the petitioners Nos. 1, 4, and 5 Rajesh Yadav, Uday Yadav and Narayan Yadav are concerned, they apprehend their arrest in connection with Kharik P.S. Case No. 235 of 2014 registered for offences alleged under Sections 341/323/447/307/

379/504/506/34 of the Indian Penal Code.

The prosecution case is that in the evening at about 6 o'clock on 08.11.2014 while the informant was ploughing his wheat field, all of sudden all the ten F.I.R. named accused persons including the petitioners came and objected the ploughing work. The informant replied that as he has got valid land receipt in his name then why will he not plough the field upon which Dhiro Yadav, armed with lathi, Niro Yadav armed with Lathi, Uday Yadav, armed with axe started assaulting the brother of informant and injured him as a result of which his brother fell down, then Uday Yadav took a sum of Rs. 1000/- from his pocket and after knowing about the present occurrence when his brother Pappu Yadav, Binodi Yadav came there they brought him at Police Station. It was alleged that on earlier occasions also, they used to assault and threat the family members of the informant.

It has been submitted by counsel for the petitioners that although allegation is upon various persons but no specific overtact has been alleged against these petitioners. It has further been submitted that there is a land dispute between the parties and a proceeding under Section 144 Cr. P.C. is pending between them.

In such circumstances, let the petitioners, namely, Rajesh Yadav, Uday Yadav and Narayan Yadav, in the event of their

arrest / surrender within a period of four weeks from today in the Court below, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Naugachia, Bhagalpur in connection with Kharik P.S. Case No. 235/2014 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

However, this order will not prejudice the case of the petitioner Nos. 2 and 3 namely, Niro Yadav @ Niranjan Yadav and Dhiro Yadav.

(Nilu Agrawal, J)

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