

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17892 of 2016

Arising Out of PS.Case No. -124 Year- 2015 Thana -HARIJAN PS. District- NALANDA
(BIHARSHARIFF)

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1. Nagina Yadav Son of late Sohasarai Yadav
 2. Abhash Yadav son of Late Sohasarai Yadav
 3. Randhir Yadav son of Nagina Yadav All resident of Village Tira P.S. Haranatu, District Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan (Spl. P.P.)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-05-2016

Heard learned counsel for the petitioners and the
learned Special P.P. for the State.

Petitioners apprehend their arrest in connection with
S.C./S.T. P.S. Case No. 124 of 2015 registered for offences
punishable under Sections 448, 341, 504, 323 and 506/34 of the
Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case is that while the informant was
coming from his field, petitioner no.1, Nagina Yadav came and
told him to withdraw the case filed by his wife and started abusing
him by calling his caste name “Dusadh” and thereafter other
accused persons also came and abused him by calling his caste

name “Harizan Dusadh” and they tried to catch the informant. Informant thereafter fled away from there and reached his house. Accused persons chasing the informant, entered in his house and dragged him out and assaulted with leg, fists and fat. Accused persons also assaulted his wife on the order of accused Sokri Devi.

It has been submitted by the learned counsel for the petitioners that petitioners are innocent and have committed no offence. It has further been submitted that petitioners’ side and informant’s side are co-villagers and they have been falsely implicated due to land dispute and some case is going on between them. It has further been submitted that the informant has since died and his wife Sunita Devi has entered into compromise with the petitioners, hence, the allegation against these petitioners does not subsist.

However, learned Special P.P. for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since there was land dispute between the parties and the informant has since died and the matter has been compromised by the informant’s wife, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today,

be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Nalanda at Bihar Sharif in connection with S.C./ S.T. P.S. Case No. 124 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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