

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12488 of 2016

Arising Out of PS.Case No. -115 Year- 2015 Thana -CHAUSA District- MADHEPURA

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Raj Singh Yadav @ Tinku Yadav, Son of Nakul Yadav, Resident of Village
– Fulaut (East), Police Station – Chausa, District – Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha

For the Opposite Party/s : Mr. Yogendra Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-03-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 353, 504 and 506 of the Indian Penal Code.

Prosecution case is that the petitioner entered into the official chamber of S.H.O. Fulaut outpost, and made protest for not arresting Akhilesh Yadav, husband of the of local Mukhiya, since he is accused in Chausa (Fulaut) P.S. Case No. 113 of 2015.

It is submitted by learned counsel for the petitioner that the first case being Chausa P.S. Case No. 113 of 2015 was lodged against the husband of the Panchayat Mukhiya Akhilesh Yadav and others by Ramesh Yadav, the cousin brother of the petitioner. Thereafter, the brother of the Akhilesh Yadav, namely, Brajesh Kumar Yadav lodged another case being Chausa (Fulaut) P.S. Case No. 114 of 2015 under Sections 341, 323, 379, 504, 506 and 34 against the petitioner and others, hence as a retaliatory measure

since Akhilesh Yadav is the husband of the local Mukhiya, the present case was lodged at the behest of the officer incharge. Since the petitioner was made accused in Chausa (Fulaut) P.S. Case No. 114 of 2015, lodged prior to the present case, there was no occasion for the petitioner to go to the Police Station when there was chance of his being arrested. The petitioner is not accused in Chausa (Fulaut) P.S. case No. 114 of 2015, lodged at the behest of the brother of the husband of the Panchayat Mukhiya. Akhilesh Yadav and petitioner are agnates and due to land disputes, the accusation has been leveled.

Considering the omnibus and general nature of accusation, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of 12 weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) with two surities of like amount each to the satisfaction of the learned Judicial Magistrate II, Udakisunganj, District – Madhepura, in connection with Chausa (Fulaut) P.S. Case No. 115 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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