

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.746 of 2016

Arising Out of PS.Case No. -90 Year- 2015 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

- =====
1. Uday Yadav @ Uday Kumar Son of Late Gyananand Yadav,
 2. Sanni Kumar, Son of Sri Uday Yadav,
- Both residents of village - Belokala, Police Station - Murliganj, District
- Madhepura.

.... Petitioners

Versus

1. The State of Bihar.
2. Niwas Mandal, Son of Late Bhupendra Mandal, Resident of Village
Belokata, Police Station - Murliganj, District - Madhepura.

.... Opposite Parties.

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Appearance :

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

For the Opposite Party/s : Mr. T.N.Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 12-01-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Complaint Case No. C 90 of 2015 in which cognizance has
been taken under Sections 147, 148, 323, 341, 386 and 504 of
the Indian Penal Code.

It is contended that the petitioner no. 1 and his mother
Sushila Devi filed Title Suit No. 216 of 1971 for partition and
after some times good senses prevailed between the parties and



compromise was reached between them. On the basis of compromise, decree was passed wherein land was allotted in share of mother of petitioner no. 1 and taking benefit of the same Sachidanand Yadav, brother of petitioner no. 1 sold away excess land of his mother in the hands of Bhupendra Mandal, father of Niwas Mandal giving rise to the dispute between the parties. Further contention is that except Section 386 of the Indian Penal Code, all other sections for which cognizance has been taken are bailable and allegation of taking thumb impression on blank sheet of paper is false and fabricated. It is also contended that dispute between the parties is civil in nature and no offence is made out against the petitioners.

On the other hand, learned counsel for the State has submitted that cognizance has been taken against the petitioners under Section 386 of the Indian Penal Code and offence being serious in nature, the petitioners do not deserve grant of anticipatory bail.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like

amount each to the satisfaction of Sri K. Krishnadeo, learned Judicial Magistrate, 1st Class, Madhepura in Complaint Case No. C 90 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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