

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9230 of 2016

Arising Out of PS.Case No. -186 Year- 2015 Thana -NAUHATTA District- SAHARSA

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1. Md. Kayad @ Sairu Son of Nasir
 2. Ram Lakhan Yadav Son of Kusumlal Yadav @ Kusumlal Mandal
 3. Shushil Yadav son of Rajendra Yadav
 4. Bipin Yadav son of Ram Lakhan Yadav
 5. Shashivind Yadav son of Kushumlal Yadav
 6. Ram Chandra Yadav son of Kusumlal Yadav
 7. Ghoghan Yadav son of Late Siyaram Yadav
 8. Bahadur Sada son of Sonay Sada
 9. Mahanand Sada son of Jagdish Sada
 10. Shyam Sada son of Jagdish Sada
 11. Guneshwar Sada son of Jagdish Sada
 12. Shankar Sada son of Shiv Narayan Sada
 13. Radhe Sada son of Shiv Narayan Sada
 14. Puni Sada son of Late Makhan Sada
 15. Ashok Sada son of Late Makhan Sada
 16. Asharfi Sada son of Late Shanti Sada
 17. Tarni Sada son of Late Mahanthi Sada
 18. Wakil Sada son of Tarni Sada
 19. Laxman Sahni son of Jugo Sahni
 20. Chatu Sahni @ Chhatu Sahni son of Jugo Sahni
 21. Upendra Sahni @ Upaendra Sahni son of Jugo Sahni
 22. Binod Sahni son of Upendra Sahni
 23. Domi Sada son of Thakko Sada
 24. Indal Sahni son of Upendra Sahni
 25. Lakhan Sada son of Jagrup Sada
 26. Jitan Sada son of Jagrup Sada
 27. Sita Ram Sada son of Jagrup Sada
 28. Hareram Sada, son of Asharfi Sada
 29. Ramdeo Sada Son of Domi Sada
 30. Mahesh Sahni S/o Chhotu Sahani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh 5 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-02-2016

Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 148/149/448/380/504/427/506/364/384 of the Indian Penal Code and 27 of the Arms Act.

Prosecution case is that on 14.08.2015 at 12 PM, the FIR named accused persons variously armed came when on the order of petitioner no.2 Ram Lakhan Yadav all the accused persons entered into the house of the informant, robbed cash, ornaments and other articles when petitioner no.6 Ram Chandra Yadav and petitioner no. 5 Sashi Bind Yadav resorted to fire and cut bamboo tree of the informant whereas Lal Bahadur Yadav and Sattan Yadav started construction on the land of the informant. The accused persons also kidnapped one of the relative of the informant and demanded extortion of Rs.50,000/-.

It is submitted by learned counsel for the petitioners that in the background of land dispute the accusation has been levelled. Moreover, no fire arm injury has been caused to anyone. A statement to that effect has been made in paragraph 11 of the petition, which read as follows :-

"That, it is pertinent to mention hereby that no injury has been caused in the alleged firing to any one and as such the

allegation of firing is false and concocted.

A further statement has been made in paragraph 10 of the petition that none were abducted, which reads as follows :-

"That it is humbly prayed that informant parties are aggressors. There is no delivery of properties, no person has been kidnapped, no incriminating articles are recovered, not any pellet is found from alleged P.O., and hence sections 384, 364, 380 of the Indian Penal Code and 27 Arms Act are not applicable in this case."

It is further submitted that wife of petitioner no.2 (Ramlalit Yadav) lodged Nauhatta P.S. Case No.187/2015 levelling accusation under sections 147/34/323/376/511/307 against the family members of the informant.

Since petitioner nos. 2, 4, 6 and 7 are accused in one other case from before, let the learned Court below consider their prayer for regular bail, keeping in view of the fact that the accusation has been levelled in the background of land dispute, if they surrender within a period of six weeks in connection with Nauhatta P.S. Case No.186/2015, pending before the learned CJM, Saharsa.

With the above observation, this application, so far as it relates to petitioner nos. 2, 4, 6 and 7 is, accordingly, disposed

off.

So far as the petitioners, except petitioner nos.2, 4, 6 and 7 are concerned, since no injury was caused to informant's side and there is counter version of the occurrence also, let them be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Saharsa in connection with Nauhatta P.S. Case No.186/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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