

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22739 of 2016

Arising Out of PS.Case No. -27 Year- 2016 Thana -CHOUTARWA District-
WESTCHAMPARAN(BETTIAH)

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1. Devsharan Yadav son of Sarajug Yadav
2. Munna Yadav S/o Bhulai Yadav
Both are Resident of Village- Garahiya P.S. Chautarava District West
Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

3 25-07-2016 Heard Sri Prithvi Nath Mishra, learned counsel for the

petitioners. None appeared on behalf of the State whereas learned

counsel for the informant /complainant has voluntarily appeared.

At the very outset, learned counsel for the petitioners
submits that the petitioner no. 2 during the pendency of this
petition has already been arrested. Accordingly, the petition so far
petitioner no. 2 is concerned stands rejected as same has become
infructuous.

The petitioner apprehending his arrest in connection with Chautarwa P.S. Case No. 27 of 2016 registered for the offence under section 307 and other allied section of the Indian Penal Code has prayed for grant of anticipatory bail.

It was submitted by learned counsel for the petitioner that petitioner and informant's side are *patidar's* and land dispute in between the parties was going on. Due to such land dispute and old animosity a complaint case vide complaint case no. 1130 of 2015 was lodged which was referred to the police and thereafter the present F.I.R. has been registered. It has been argued that only due to family dispute petitioner has falsely been implicated. Moreover by way of referring to the impugned order he submits that even the court below has found that offences under section 384 and 387 of the Indian Penal Code was not found true during investigation.

In view of the fact that there was family dispute as well as the fact that complaint petition was filed, in the event of arrest or surrender within a period of six weeks from today, let the petitioner Devsharan Yadav be enlarged 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 learned Addl. Chief Judicial Magistrate, Bagaha, West Champaran in

connection with Chautarwa P.S. Case No. 27 of 2016 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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