

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37533 of 2016

Arising Out of PS.Case No. -54 Year- 2016 Thana -MAHISI District- SAHARSA

1. Bahadur Yadav S/o Radhe Yadav
2. Amarjit Yadav Son of Late Radhe Yadav
3. Bablu Yadav Son of Radhe Yadav All are resident of Village- Gairjori, P.S.- Kusheshwar Asthan, District- Darbhanga.
4. Deo Narayan Yadav Son of Late Jaisilal Yadav
5. Santosh Kumar @ Santosh Yadav Son of Deo Narayan Yadav
6. Chhote Yadav @ Chhotelal Hitlar son of Deo Narayan Yadav
7. Sanjeev Kumar Yadav @ Sanjiv Kumar son of Bhim Shankar Yadav
8. Ranjeet Kumar Yadav @ Ranjeet Yadav Son of Bhim Shankar Yadav All are resident of Village- Shankarthua, P.S.- Mahishi (Jalai O.P.), District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in connection with Mahishi P.S.Case No. 54/2016 for offences alleged under Sections 147, 148, 149, 307, 323, 341, 504 and 506 of the Indian Penal Code .

The prosecution case as per written report by the informant before the police is that on 17.05.2016 at about 6 P.M. when the informant was going to his house after taking diesel and

reached near his house, all the F.I.R. named accused persons variously armed with Lathi, danda, rifle surrounded him and accused Bahadur Yadav and Amarjeet Yadav assaulted him with butt of rifle due to which the informant became injured and fell down on the ground. It is further alleged that prior to this occurrence accused Bahadur Yadav had threatened the informant. It is further alleged that on hearing hulla nearby people came then the accused persons took to their heels by opening firing.

It has been submitted by the learned counsel for the petitioner that they are innocent and have falsely been implicated as there is land dispute between the parties, which is also evident from the F.I.R. itself. It has also been submitted that the injury has been found to be simple in nature and are superficial injuries caused by hard and blunt substance. It has been submitted that the petitioners have no criminal history as is evident from para-3 of this application.\

However, learned APP for the State submits that the petitioners named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, since admittedly, there is a land dispute and injury are found to be simple in nature and the petitioners have no criminal antecedent as is evident from para-3 of this application, let 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 bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Mahishi P.S.Case No. 54/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J)

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