

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44219 of 2015

Arising Out of PS.Case No. -161 Year- 2015 Thana -KATORIA District- BANKA

1. Subodh Yadav S/o Naresh Yadav, Resident of village- Adela, P.S.- Katoria, District- Banka. At present residing at Mothebari, P.S.- Katoria, District- Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.46905 of 2015

Arising Out of PS.Case No. -161 Year- 2015 Thana -KATORIA District- BANKA

1. Pachchan Yadav Son of Late Diko Yadav
2. Kailash Yadav Son of Madan Yadav
3. Tulshi Yadav Son of Madan Yadav
4. Dwarika Yadav Son of Madan Yadav
5. Vikram Yadav Son of Pachchan Yadav All are resident of vilage - Jakhajor, P.S. - Katoriya, District - Banka

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.44219 of 2015)

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Ram Sewak Choudhary(App)

(In Cr.Misc. No.46905 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Nagendra Prasad (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-02-2016 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Katoriya P. S. Case No. 161/2015 registered for offences punishable under Sections 147, 148, 149, 427, 447, 504 and 506 of the Indian Penal Code and Section 3 of the Explosive Substance

Act.

The prosecution case is that on 15.07.2015 at about 3.00 P.M. the accused persons named in the FIR including the petitioner alongwith 15-20 unknown persons to destroy the paddy seedlings and to grab the land of the informant, came on the field of the informant, surrounded him and started exploding bombs. They also sank Red –flag and continued bomb blasting till two hours. They further destroyed the paddy seedlings of the paddy field.

It has been submitted by the learned counsel for the petitioner that they are innocent and no offence has been committed by them. It has further been stated that the petitioners have no criminal antecedents as is evident from para-3 of the petition.

Learned counsel for the petitioners submits that although the date of occurrence is 15.07.2015 and time is 3.00 P.M. but F.I.R. has been lodged on 16.07.2015 at 1.30 P.M. after a delay of one day.

It has further been submitted that due to land dispute both the parties are inimical to each other and no injury has been sustained by the informant side. Furthermore, learned counsel for the petitioners submits that the place of occurrence does not specify no has any traces of bombs or any other explosive substance.

On the other hand learned A.P.P. points out the witnesses have deposed that the petitioners along with 15-20 unknown persons have come to the place of occurrence and were instrumental in the offence.

From para-5 of the case diary, the I.O. has stated that there was no sign of any Explosive Substance on the place of occurrence and para-7 of the case diary i.e. deposition of the witness also speaks of land dispute between both the parties.

Be that as it may, let the above named petitioners, in case of their arrest or surrender within a period of six weeks from today before the learned Court below, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Banka in connection with Katoriya P. S. Case No. 161 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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