

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13002 of 2016

Arising Out of PS.Case No. -155 Year- 2015 Thana -SIRDALA District- NAWADA

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1. Raj Kumar Yadav, son of Girija Prasad Yadav
2. Upendra Yadav @ Biru Yadav, son of Rajkumar Yadav

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indradeo Prasad, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-05-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 34 of the Indian Penal Code and section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case is that the accused persons came variously armed and started abusing the informant by calling caste name. On protest being made petitioner no.1 fired but no injury was caused to anyone. Thereafter, co-accused Girija Prasad

assaulted with the butt of the gun to the father-in-law of the informant when petitioner no.2 Upendra Yadav assaulted with lathi to the informant's family.

It is submitted by learned counsel for the petitioners that the informant's sides are claiming the land of the petitioners and in that background the accusation has been levelled. For the occurrence of 09.08.2015 at 10.30 AM, the FIR was registered on 10.08.2015 at 8.30 P.M. which reached to the Court of learned ACJM on 13.08.2015. The delayed reaching of the FIR to the Court suggests that the FIR was registered by antedating. The present case is counter version of the case lodged by the petitioners' side. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the nature of accusation in the background of land dispute and the case lodged by the petitioners' side at earlier point of time, let the above named petitioners 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 Judicial Magistrate, 1st Class, Nawada, in connection with

Sirdala P.S. Case No.155/2015, subject to the conditions as laid
down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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