

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17569 of 2016

Arising Out of PS.Case No. -184 Year- 2015 Thana -SINGHESHWARASHTHAN District-
MADHEPURA

- =====
1. Bhuwan Mandal Son of Late Satya Narayan Mandal
 2. Madhav Prasad Yadav @ Madhav Mandal Son of Late Ras Bihari Yadav @ Ras Bihari Mandal Both residents of Village - Lalpur, Tola Garhi, Police Station - Singheshwar, District - Madhepura.
 3. Bhumi Yadav Son of late Bindeshwari Yadav
 4. Amit Kumar @ Amit Yadav Son of Bhumi Yadav Both residents of Village - Sonbarsa, Garhi Tola, District - Madhepura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Murlidhar(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-04-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Singheshwar P.S. Case No. 184 of 2015 registered for offence
punishable under Sections 147, 148, 149, 435, 504, 506 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that FIR named
accused persons along with 10-15 unknown came to the disputed
land by firing shots with gun and set the straw made house
constructed thereon, on fire.

It has been submitted by the counsel for the petitioners



that the matter relates to property dispute for which a proceeding under Section 144 of the Cr.P.C. is going on between the parties. It has further been submitted that the petitioners' side has also lodged a complaint case, bearing Complaint Case No. 1685 of 2015 against the informant and one Bijay Bahadur Singh, who is alleged to have connived with the informant and instituted the false case. Furthermore, learned counsel for the petitioners submits that due to this land dispute, petitioner nos. 1 and 3 have been implicated in other cases also. He further submits that there is no eye-witness to the occurrence and the allegation against them are general and omnibus and not specific. Allegation under Section 27 of the Arms Act is not made out.

However, learned A.P.P. for the State submits that although from the First Information Report, it appears that there is land dispute between the parties, but the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the matter relates to land dispute, let the 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 bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Chief Judicial

Magistrate, Madhepura in connection with Singheshwar P.S. Case
No. 184 of 2015, subject to the conditions as laid down under
Section 438 (2) of the Cr. P.C.

(**Nilu Agrawal, J.**)

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