

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39657 of 2016

Arising Out of PS.Case No. -88 Year- 2016 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Pawan Yadav @ Pawan Kumar, son of Rajeshwar Yadav,
 2. Prabhu Yadav, son of Rajeshwar Yadav,
 3. Rajdeo Rai, son of Saryug Rai, All resident of village- Kuarihar, P.S.- Raxaul, District- East Champaran.
 4. Sonalal Sah, son of Deo Nandan Sah, Resident of village- Bada Pareuwa, P.S.- Raxaul, District- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Roy

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 19-11-2016 Heard learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Raxaul P.S. Case No.88 of 2016 for the offences registered under section 147, 148, 149, 323, 324, 354, 363, 448, 307 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation against the petitioners is that they made attempt to forcibly take possession of Khata No.62, Khesra Nos.741 and 740 situated at village Pareuwa and also made firing when informant and several other persons made protest. The written report of the informant goes to show that no one sustained any injury.

Learned counsel for the petitioners submits that, as a matter of fact, the land in question belongs to petitioner no.4, who executed an agreement for sale in favour of petitioner no.1 and when the petitioners went there to offer puja before construction on the aforesaid land, the informant and some others with malafide intention made obstruction upon which an altercation took place and in the meantime, police party came there and at the instigation of prosecution party, the present case as well as Raxaul P.S. Case No.89 of 2016 were lodged. It is further submitted that petitioners have already been enlarged on bail in Raxaul P.S. Case No.89 of 2016.

Para-3 of the petition goes to show that petitioners do not have any criminal antecedent.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let petitioners above named, in the event of arrest/ surrender within six weeks from the date of receipt of this order to the concerned court, be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of S.D.J.M., Raxaul at Motihari in Raxaul P.S. Case no. 88 of 2016 subject to condition as laid down under section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

N.H./-

U		T	
---	--	---	--