

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47425 of 2017

Arising Out of PS. Case No.-167 Year-2017 Thana- LAURIYA District- West Champaran

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1. Hulash Yadav, S/o Late Bijali Yadav @ Late Bijali Raut,
 2. Bhulan Yadav, S/o Hulash Yadav,
 3. Chota Yadav, S/o Hulash Yadav,
 4. Upendra Yadav, S/o Hulash Yadav,
- All Resident of Village- Padraun, P.S.- Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 17-10-2017 Heard learned Counsel appearing on behalf of the
petitioners and learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147/149/341/447/323/324/379/354B/504/506 of the Indian Penal Code.

The prosecution case as per the Fardbeyan of Savitri Devi, recorded on 12.06.2017, at 16.20 hours, at Surgical Ward of M.J.K. Hospital, Bettiah, by the Sub-Inspector of Police,



Md. Jafaruddin of Town P.S. Bettiah, is to the effect that the informant is having land dispute with his brother-in-law (bhaisur), namely, Hulash Yadav, who earlier stopped the informant's side from taking bullock-cart from the land in question. Thereafter, on 12.06.2017, the tractor, carrying their guests, returning from the marriage of informant's son was also stopped by the accused persons and on protest being made, the accused persons assaulted the informant. It is alleged that Buna Devi snatched gold chain from the neck of the informant. The accused persons tore the clothes of the informant, rendering her nude.

It is submitted by learned Counsel for the petitioners that the petitioners are agnates and in the background of land dispute, the accusation has been levelled. The son of petitioner no.1, Jhulan Yadav, was killed at the behest of the informant's side leading to registration of Lauria P.S. Case No. 172 of 2017, on 24.06.2017, with accusation under Sections 147/148/149/323/307/302/506 of the I.P.C. though the occurrence took place on 11.06.2017, but since the son of the petitioner no.1 was seriously injured, hence, he was taken to hospital for treatment where he died on 22.06.2017. Hence, after his cremation, the FIR was lodged. The present case was



registered, at the behest of the informant's side, to save their skin from the case lodged by the petitioners' side. It is further submitted by learned Counsel for the petitioners that for the occurrence of 12.06.2017, the FIR was registered on 21.06.2017, though the Fardbeyan was recorded on 12.06.2017 itself, which reflects that antedated FIR was registered to save their skin from the case lodged by the petitioner's side. A statement has been made in paragraph no.3 of the petition that the petitioners are having no criminal antecedent.

Learned APP appearing on behalf of the State submits that accusation of assault and disrobing the informant has been levelled against all the accused persons including the petitioners.

Considering the nature of accusation being levelled in the background of land dispute and in the same occurrence petitioner no.1 lost his son due to injury received by the informant's side, 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 Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran, in



connection with Lauria P.S. Case No. 167 of 2017, subject to
the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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