

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38130 of 2017

Arising Out of PS.Case No. -126 Year- 2017 Thana -KUMARKHAND District- MADHEPURA

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1. Surendra Yadav S/o Late Siya Ram Yadav
 2. Sintu @ Sintu Kumar S/o Surendra Yadav Both are Resident of village- Jamuaha, P.S.- Kumarkhand (O.P. Belari), District- Madhepura
 3. Jageshwari Yadav S/o Late Hulai Yadav, Resident of village- Girdrahi, P.S.- Kumarkhand (O.P. Belari), District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bam Bahadur Jha, Adv.

For the Opposite Party/s : Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

- 2 17-08-2017 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in connection with Kumarkhand P.S. (Belari O.P.) Case No. 126 of 2017 registered for the offence(s) punishable under section(s) 143, 341, 323, 353, 504 of the Indian Penal Code and 27 of the Arms Act.

The informant is a Police Officer and in his written report, has alleged that on 02.05.2017, after getting information, he visited at the place of occurrence where he found the petitioner no. 1 involved in scuffle with the present Mukhiya on account of dispute in filling soil. In the same occurrence some of the miscreants shot firing in the air adjacent to the place of occurrence



and thereby created terror among the public.

It has been submitted that the present Mukhiya on the day of occurrence, started earth work over the land of the petitioner, which was obstructed by him and the local people. In the said occurrence, none of the person involved in scuffle, sustained any injury and so, no offence of section 353 of the Indian Penal Code and section 27 of the Arms Act is made out.

The learned Additional Public Prosecutor, on the other hand, opposed the submission.

On perusal of FIR I find that the Police visited at the place of occurrence and found that scuffle was going on between the Ex-Mukhiya and the present Mukhiya, but none of the person sustained injury in the said scuffle. So far allegation of firing in the air is concerned, it was made at different places. The allegation of causing obstruction in earth work is vague.

Considering the omnibus allegation against the petitioner, facts and circumstances of the case, this application for anticipatory bail is allowed.

Let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the



satisfaction of the learned Sub-Divisional Judicial Magistrate,
Madhepura in connection with Kumarkhand P.S. (Belari O.P.)
Case No. 126 of 2017, subject to the condition as laid down under
Section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

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