

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15460 of 2018

Arising Out of PS.Case No. -586 Year- 2017 Thana -KRITYANAND NAGAR District- PURNIA
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1. Arun Yadav @ Arun Prasad Yadav, S/o Jagdeo Yadav,
2. Nirmal Yadav S/o Bindeshwari Yadav,
3. Birbal Yadav S/o Bindeshwari Yadav, All R/o Village- Sahra, P.S.- K. Nagar (Maranga), District- Purnea.
4. Ramanand Yadav S/o Late Tirthnarayan Yadav,
5. Most. Domni Devi W/o Late Kariman Rishi, Both R/o Village- Gabbar Toli, Mushahari, P.S.- K. Nagar (Maranga), District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand

For the Opposite Party/s : Mr. Sri Prem Kumar Jha
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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 16-04-2018

It is submitted by learned counsel for the petitioners that petitioner no. 1 Arun Yadav has been arrested, hence, his application has become infructuous and accordingly, it is disposed as having become infructuous.

The petitioner nos. 2 to 5 are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 307, 341, 379, 427 and 504 of the Indian Penal Code.

The prosecution case as per the written report of Nilam Thakur dated 26.11.2017 submitted to the Station House Officer, Maranga P.S. is to the effect that the informant



used to look after the agriculture works herself. The land appertaining to Thana No. 47, Khata No. 429, Plot No. 905 was mutated in the name of the husband of the informant and the informant used to cultivate the land in question. On 14.11.2017 the land was measured and the pillars were fixed in presence of police and Circle Officer, Maranga and trees were planted. It is alleged that on 26.11.2017 the accused persons uprooted the trees and ploughed the land of the informant.

It is submitted by learned counsel for the petitioners that accused Arun Yadav entered into agreement to purchase of the land in question from Krishnanand Thakur, the father-in-law of the informant on receiving consideration amount of Rs.55,000/- and after his death his son Binodanand Thakur further executed agreement to sell in favour of Arun Yadav after taking further amount of Rs.2,55,000/- but sale deed was not executed. However, in the background of aforesaid fact proceeding under Section 144 Cr.P.C. was initiated and thereafter, maliciously, the present case has been lodged. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the informant submits that fraudulently the agreement to sell was prepared by the



accused persons.

Considering the nature of accusation levelled in the background of dispute with regard to agreement of sale of the land in question and that the petitioners are not having any criminal antecedent, let the above named petitioner nos. 2 to 5 be released on anticipatory bail in the event of their arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. Nagar P.S. Case No. 586 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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