

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.9643 of 2018**

Arising Out of PS.Case No. -112 Year- 2017 Thana -FULKAHA District- ARRARIA

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1. Ram Sundar Yadav S/o Late Sant Lal Yadav,  
2. Surendra Yadav S/o Ram Sundar Yadav,  
3. Biren Yadav S/o Ram Sunder Yadav,  
4. Anmol Yadav S/o Ram Sunder Yadav, All are R/o Village- Fuljkaha  
(Nababganj), P.S.- Fulkaha, Distt.- Araria.

.... .... Petitioner/s

Versus

1. The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Smt. Indu Bala Pandey

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

ORAL ORDER

2      17-02-2018                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections-379, 436, 341, 323, 324, 448, 504, 506/34 of the Indian Penal Code.

The prosecution case as per the written report of Deo Narayan Yadav submitted on 17-10-2017 to the S.H.O., Fulkaha Police Station is to the effect that on 15-10-2017, the informant was ploughing his field, in the meantime, accused persons being variously armed came there. It is alleged that petitioner Nos. 1 & 2 assaulted the informant with Farsa. Thereafter, all the accused



persons entered into house, broke the box belonging to wife and daughter-in-law of the informant and took away the jewellery worthier Rs. 50,000/- and they set the house on fire.

It is submitted on behalf of the petitioners that accusation of offences has been levelled in the background of land dispute. Petitioners' side lodged Fulkaha P.S. Case No. 111 of 201 with accusation punishable under Sections 341, 323, 324, 379, 447, 504, 506/34 of the Indian Penal Code at earlier point of time. However, the petitioners have not mentioned about the nature of injury caused. The petitioners are accused in one another case of petty nature.

Considering the nature of accusation and background of land dispute and also the fact that the accusation of committing theft and setting the house on fire is general and omnibus against accused persons, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the 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 Sri Ashish Ranjan, learned Judicial Magistrate-Ist Class, Araria in connection with Fulkaha P.S. Case No. 112 of 2017 , subject to the conditions as laid down under Section-438(2) of the Cr.P.C.



The bail bond of petitioner Nos. 1 & 2 namely, Ram Sundar Yadav and Surendra Yadav will be accepted by the learned court below if the injuries of the informant are found to be simple in nature and if the injuries were found grievous in nature, in that circumstance, both petitioners will surrender in the court below and seek regular bail.

**(Dinesh Kumar Singh, J)**

A.K.V./-

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