

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68578 of 2018

Arising Out of PS. Case No.-127 Year-2018 Thana- ADAPUR District- East Champaran

1. Ram Niwas Yadav, Son of Amar Yadav.
2. Shashikant Yadav, Son of Amar Yadav.
3. Amar Yadav, Son of Late Bhola Yadav.
4. Ramgyas Yadav, Son of Late Suraj Deo Yadav. All Resident of Village-Laxmipur Pokhariya, P.S. Adapur, Distt.-East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Madhurendra Kumar, Advocate.
For the Opposite Party : Smt. Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354, 379, 385, 386, 447, 504, 506 of the IPC and $\frac{3}{4}$ of Dian Prohibition Act.

The prosecution story, in brief, is that on 16.05.2018, the informant was sitting at her door when all F.I.R. named accused persons including the petitioners armed with *Iron rod*, *Labeda* and other types of weapons suddenly reached saying *Dian* is to be killed today. Petitioner no. 3 Amar Yadav assaulted her with *Labeda* and snatched her *Gold Mangal Sutra* worth Rs.



30,000/-. When her *Devar* came to save her, he was also assaulted by the petitioner no. 1 Ramniwas Yadav on his chest with *Iron rod*. Petitioner no. 2 Shashikant Yadav assaulted with *Khariya* on his Kanpati,. Petitioner no. 4 Ramgyas Yadav tore *Saree* and *Blouse* of her *Gotani* due to which, she became derobed. Her husband was also assaulted with *Lathi* and *Iron rod* badly. Petitioner no. 1 Ramniwas Yadav snatched Rs. 50,000/- from the pocket of her husband. Her sons Santosh Kumar and Pawan were also assaulted badly.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is case and counter case between the parties. Nature of injury is said to be simple. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate. There is admitted land dispute between the parties.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender



before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Raxaul, East Champaran at Motihari, in connection with Adapur P.S. Case No. 127 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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