

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3081 of 2018

Arising Out of PS.Case No. -118 Year- 2017 Thana -SONBERSA District- SAHARSA

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1. Dev Narain Yadav, S/o Kanik Lal Yadav, Resident of Village- Khajuraha, P.S.- Sonbarsa Raj District- Saharsa.
 2. Birendra Yadav, S/o Kanik Lal Yadav, resident of Village- Khajuraha, P.S.- Sonbarsa Raj, District- Saharsa.
 3. Navin Yadav @ Navin Kumar, S/o Dev Narain Yadav, Resident of Village- Khajuraha, P.S.- Sonbarsa Raj District- Saharsa.
 4. Amit Yadav @ Amit Kumar, S/o Dev Narain Yadav, Resident of Village- Khajuraha, P.S.- Sonbarsa Raj District- Saharsa.
 5. Mohan Yadav @ Mohan Kumar, S/o Birendra Yadav, Resident of Village- Khajuraha, P.S.- Sonbarsa Raj, District- Saharsa.
 6. Aruna Devi, W/o Birendra Yadav, Resident of Village- Khajuraha, P.S.- Sonbarsa Raj, District- Saharsa.
 7. Kaniklal Yadav, S/o Late Balo Yadav, Resident of Village- Khajuraha, P.S.- Sonbarsa Raj, District- Saharsa.
 8. Padma Devi, Wife of Dev Narain Yadav, Resident of Village- Khajuraha, P.S.- Sonbarsa Raj, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate.

For the Opposite Party/s : Mr. Bharat Lal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 15-02-2018 It has been submitted that petitioner Nos. 2 and 5 have already been arrested. Therefore, prayer for anticipatory bail against petitioner Nos. 2 and 5 has become infructuous.

The prayer for anticipatory bail against petitioner Nos. 2 and 5 is dismissed as having become infructuous.

Heard learned counsel for the petitioners and the State.



The petitioner Nos. 1, 3, 4, 6, 7 and 8 apprehend their arrest in **Sonbarsa Raj P.S. Case No. 118 of 2017** instituted for the offence under Sections 147, 149, 341, 323, 324, 307, 504, 506, 379 and 354 of the Indian Penal Code.

In the written report there is allegation that these petitioners arrived and demolished the boundary of the land of the informant and also caused *Mar-Pit* with *lathi*, *danda* etc. causing injury to the informant and others.

Learned counsel for the petitioners has submitted that occurrence has taken place on account of land dispute. There is general and omnibus allegation against the petitioners.

The injury report has been enclosed as Annexure-2 series which shows that none of the injury was found on any vital part of the body of the injured. The Doctor has kept his opinion reserved with regard to some of the injuries of the injured as would appear from Annexure-2 series.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner Nos. 1, 3, 4, 6, 7 and 8 namely, Dev Narayan Yadav, Navin Yadav @ Navin Kumar, Amit Yadav @ Amit Kumar, Aruna Devi, Kaniklal Yadav and Padma Devi is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in



connection with **Sonbarsa Raj P.S. Case No. 118 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Saharsa**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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