

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2270 of 2018

Arising Out of PS. Case No.-24 Year-2016 Thana- GHOSBARI District- Patna

1. Ram Swarth Yadav

2. Padarath Yadav

Both sons of Late Shyam Kishore Yadav, Resident of village - Tartar, Markahi Tola, P.S. - Ghoswari, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kmani Tripathi, Adv.

Mr. Ajay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. SRI HUMAYOU AHMAD KHAN, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-01-2018 Heard learned Counsels for the petitioners and learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 323, 341, 504, 506, 307/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 18.03.2016 submitted by Brahamdev Yadav to the Station House Officer, Ghosbari Police Station is to the effect that on 18.03.2016 at 8.00 AM, the accused persons including the petitioners came to the house of the informant and threatened him that if he will not leave pairvi in the murder case of Suraj, then they will burn the crops kept in the khalihaan as



well as crops in the agricultural field. The accused persons also resorted to fire, but none received injuries as the informant entered in his house.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled, since the elder brother of the informant got *ex parte* decree in the title suit which has been challenged by the mother of the petitioner by filing Miscellaneous Case No.10 of 2013. There is counter version of the occurrence being Ghoswari P.S. Case No. 25 of 2016. Admittedly none have received any injury. A statement has been made in paragraph no.3 of the petition that the petitioners are accused in one another case being Ghoswari P.S. Case No. 81 of 2014, wherein, they are on bail.

It is submitted by learned APP for the State that the accusation is specific against the petitioners.

Considering the fact that none received any injury and the accusation being levelled in the background of land dispute and there is counter version of the occurrence, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to



the satisfaction of the learned ACJM-IV, Barh, Patna, in connection with Ghoswari P.S. Case No.24 of 2016 , subject to the conditions as laid down under Section 438(2) of the Cr.P.C..

(Dinesh Kumar Singh, J)

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