

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70110 of 2018

Arising Out of PS. Case No.-152 Year-2018 Thana- RAFIGANJ District- Aurangabad

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1. Rajeshwar Yadav, S/o Mithu Yadav,
 2. Ram Pravesh Yadav, S/o Mithu Yadav,
 3. Guddu Yadav, So Ramroop Yadav,
 4. Subhash Yadav, S/o Nand Kishore Yadav,
 5. Prashid Yadav @ Prasiddh Yadav, S/o Bhuneshwar Yadav,
 6. Bitu Yadav, S/o Surendra Yadav,
 7. Satyendra Yadav, S/o Ragunandan Yadav,
 8. Birendra Yadav, S/o Ragunandan Yadav,
 9. Indrajeet Yadav, S/o Ramswaroop Yadav,
 10. Dashrath Yadav, S/o Ramswaroop Yadav, All are resident of Village- Sharda Bigha, P.S.- Rafiganj, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-12-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 341, 323, 324, 325, 307 and 504 of the Indian Penal Code.

The prosecution case is that on 14.08.2018 all the 24 FIR named accused persons were ploughing the land of the informant. On protest being made by the informant, they assaulted the informant. The specific accusation of assault is against co-accused Brijnandan Yadav and Guddu Yadav to have



assaulted on the head of the informant with Khanti. It is further alleged that the accused persons also assaulted the other persons of the informant side.

It is submitted by learned counsel for the petitioners that in the background of land dispute since the consolidation proceeding on the land has not been concluded and the informant side are claiming the land by virtue of a purcha, the occurrence took place. It is further submitted that there is a counter version of the occurrence being Rafiganj P.S. Case No. 153 of 2018 with accusation under Sections 147, 341, 323, 325, 307 and 324 of the Indian Penal Code against the informant's side. Specific statement has been made in paragraph 7 of the petition that there is no injury report on the record. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the accusation against the mob except co-accused Brijnandan Yadav and Guddu Yadav but sans any corresponding injury on the record and there is a counter version of the occurrence also, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No. 152 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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