

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61044 of 2018

Arising Out of PS. Case No.-67 Year-2017 Thana- RUPAULI District- Purnia

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1. Shankar Yadav.
 2. Sushil Yadav.
Both are son of Late Jagrup Yadav, resident of Village- Dhobiniya, Police Station- Naugachia, District- Bhagalpur.
 3. Angad Yadav @ Angaj Yadav, Son of Rajendra Yadav, Resident of Village- Latara, Police Station- Gopalpur, District- Bhagalpur.
 4. Jai Jai Ram Yadav @ Jai Ram Yadav, Son of Late Mohan Yadav. Resident of Village- Jangal Tola, Police Station- Rupauli (Mohanpur O.P.), District- Purnia.
 5. Sham Karan Yadav, Son of Late Chhotu Yadav, Resident of Village- Jangal Tola, Police Station- Rupauli (Mohanpur O.P.), District- Purnia. Petitioner.

.Versus

The State of Bihar.

... .. Opposite Party.

Appearance :

For the Petitioner/s :	Mr. Kamlesh Kumar Pathak
For the Opposite Party/s :	Mr. Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

6 20-12-2018 This court on 17.12.2018 has granted anticipatory bail to the petitioners but due to technical glitches and inadvertence the bail order was typed in Cr. Misc. No.61357 of 2018 and the order passed in the said case giving adjournment on personal ground of learned counsel for the petitioner was typed in this case, which is hereby recalled and the order is hereby recast allowing the anticipatory bail to the petitioners, which is as under:

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection



with Rupauli P.S. Case no. 67 of 2017, registered under Sections 147, 148, 149, 447 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, the property in question is recorded as Sikmi in the name of the father of the informant and after demise of his father the informant wants possession of it. At the time of occurrence all the F.I.R. named accused persons along with 15-20 unknown miscreants including the petitioners descended at his field and wanted to rob the wheat crops resorting firing. Informant fled away and on information police arrived there and then the accused persons left the scene. They also extended threatening for dispossession from the land.

Learned counsel for the petitioners submitted that no such occurrence as alleged ever took place. The petitioners are quite innocent and have been falsely implicated in this case due to land dispute. As a matter of fact, the petitioner no.3, Angad Yadav and others and wife of co-accused Chandrashekhar Yadav had purchased the land in question in the year 2014-15 and they also filed a proceeding under Section 144 Cr.P.C. against the informant in the year 2016. Informant in order to grab the purchased property of the petitioners have filed this



false and frivolous case against the petitioners and other accused persons. The allegation levelled against the petitioners are not specific rather general and omnibus in nature. No wheat crops has been looted by the petitioners.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four 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 Chief Judicial Magistrate, Purnia in connection with Rupauli P.S. Case No.67 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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