

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63278 of 2017

Arising Out of PS.Case No. -107 Year- 2016 Thana -KURTHA District- JEHANABAD

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1. Surendra Yadav, Son of Ram Chandra Yadav @ Jata Yadav,
 2. Gajendra Yadav, Son of Ram Chandra Yadav @ Jata Yadav,
 3. Ram Chandra Yadav, Son of Late Jatan Yadav, All resident of Village- Koni, P.S.- Kurtha (Manikpur), District- Arwal.
 4. Suraj Yadav, Son of Krishna Yadav, Resident of Village- Ohapchak, P.S.- Konch, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Kumar

For the Opposite Party/s : Mr. Sri Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 02-02-2018 Heard the learned counsel for the petitioners and learned APP for the State.

In this application, the petitioners apprehend their arrest for the offences in connection with Kurtha P.S. Case No. 107 of 2016 punishable under Sections 341, 323, 324, 325, 354/34 of the Indian Penal Code.

Allegedly, the petitioners were constructing ridge to take possession over the land of the informant and when the father and the brother of the informant forbade them, petitioners assaulted them with *lathi*, *danda* and *garasa* causing serious



injuries and when the wife and daughter of the informant came for rescue, they were also misbehaved and assaulted by them. The petitioners no. 1, 2 and 4 were trying to drag the wife of the informant in their house resulting she became nude but anyhow she saved her prestige after fleeing away.

Submission is of false implication and that there is case and counter case and the petitioner no. 1 has also lodged Kurtha P.S. Case No. 108 of 2016 on the same date. Both sides have received injuries. There is land dispute and for that the occurrence has taken place. No offence under Section 354 IPC is made out against the petitioners and, as such, they deserve sympathetic consideration.

Learned APP opposes the prayer of pre-arrest bail.

Considering that there is case and counter case, both sides have received injuries and due to land dispute the occurrence has taken place and as such, the petitioners, in case of their surrender or arrest within four weeks from the date of receipt/production of a copy of this order shall be enlarged on bail on execution of 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, Arwal in connection with Kurtha P.S. Case No. 107 of 2016 subject to the conditions as laid



down in Section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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