

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60540 of 2017

Arising Out of PS.Case No. -291 Year- 2017 Thana -BIHIYA District- BHOJPUR

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1. Nand Kishore (Yadav) @ Nand Kishore @ Bhuar Yadav, son of late Saryu Yadav
 2. Ranjeet Yadav @Ranjeet Kumar, son of Sri Sudeshwar Yadav
 3. Sanjeet Kumar, son of Sri Sudeshwar Yadav
- All resident of village Burdhnabir, P.S. Bihiya, Distt. Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amaresh Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Dinesh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 19-01-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Bihiya P.S. Case No. 291 of 2017** instituted for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504, 506, 337 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners has submitted that petitioner No. 1 has purchased land in the year 2011 which was mutated in his favour. He was making construction which informant wanted to stop. The petitioners objected to such stoppage of work, then informant assaulted the accused persons including petitioners for which Bihiya P.S. Case No. 292 of 2017 was registered in which petitioner No. 1 has sustained grievous



injury and another person Sudeshwar Yadav suffered fracture injury which was also declared to be grievous in nature.

In the instant case there is allegation against petitioner No. 1 of assaulting the informant with Farsa on his head and petitioner Nos. 2 and 3 assaulted Ramakant Yadav with lalthi.

Learned Sessions Judge has mentioned in the impugned order about the injury of the informant which shows that only one injury has been sustained by him on the head.

In such circumstances, looking into the facts that there is land dispute between the parties and the injuries have been sustained by both sides and petitioner No. 1 has also sustained grievous injury in counter case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Bihiya P.S. Case No. 291 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, Ara, Bhojpur**, 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.

S.Ali/-

(Sanjay Priya, J)

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