

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68192 of 2018

Arising Out of PS. Case No.-375 Year-2018 Thana- MADHEPURA District- Madhepura

1. Anil Kumar Yadav, son of Asheshwar Yadav,
2. Sunil Kumar Yadav, son of Asheshwar Yadav,
3. Umesh Kumar Yadav, son of Mainekar Yadav, All Resident of Village- Barahi, Ward No. 8, Police Station- Madhepura, District- Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ajay Mukherjee, Advocate.
For the Opposite Party : Mrs. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 341, 323, 324, 307,
379 and 504/34 of the IPC.

The prosecution story, in brief, is that on 01.06.2018
at about 3.40 P.M. in the evening, pillars were fixed after
measuring the land. On the same day, petitioners and two co-
accused persons armed with *Lathi*, *Farsa* and weapons came
and started throwing the pillars after uprooting the same from
the land. When the informant prohibited them then they
assaulted the informant with *Farsa*, *Lathi* and rod on his head



with intention to kill him and got him injured seriously. On hearing the hue and cry of the informant, when his younger brother Prakash Kumar and his father came to save him then informant's brother was also assaulted on his head and back with intention to kill him and got him fallen down and informant's father was also assaulted on his head and got him injured seriously. Petitioners and co-accused persons committed theft of Rs. 520/- of his father, which had fallen from the pocket of informant's father in course of assault.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. It is case and counter case between the parties. Injury on the side of accused has not been explained by the prosecution. The prosecution has not come with clean hands. There is admitted land dispute between the parties. Both parties are agnates.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks



from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Madhepura, in connection with Madhepura P.S. Case No. 375/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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