

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6278 of 2018

Arising Out of PS. Case No.-220 Year-2015 Thana- GHANSHYAMPUR District- Darbhanga

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1. Dhirendra Jha @ Bukun Jha, Son of late Harineshwar Jha
 2. Ravindra Jha, Son of late Harineshwar Jha
- Both are resident of Village-Jaideopatti, Police Station -Ghanshyampur, District- Darbhanga.
3. Kamlesh Yadav, Son of late Domi Yadav, Resident of Village-Amarahi, Police Station- Ghanshyampur, District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Thakur, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-02-2018 Heard learned Counsels for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 435, 341, 354B, 504, 506 and 427/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 17.12.2015 submitted by Laxman Yadav to the Station House Officer, Ghanshyampur Police Station, to the effect that the informant was cultivating the land of one Budhiyar Devi, situated in the Village-Jaydevpatti for last six years. On 12.12.2015, about 8.00 P.M., the petitioners set half of the paddy crop on fire and ploughed the half of the land, in which the paddy crop was standing. When the wife of the



informant Sunita Devi and brother Anil Kumar Yadav came to know about the incident, they went to the alleged agricultural field and found that the accused persons were setting the informant's paddy crop on fire by putting kerosene oil. On protest being made by them, they were abused and assaulted by the accused persons. It is also alleged that the accused persons pulled the saree of the informant's wife and threatened them of dire consequences.

It is submitted by learned counsel for the petitioners that for the occurrence of 12.12.2015, the FIR was registered on 17.12.2015. Moreover, Title Suit No. 161 of 2014 is pending between the parties for the same land. Even assuming the accusation, no offence under Section 354B of the I.P.C. is made out. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the State there is specific accusation against the petitioners.

Considering the accusation levelled in the background of serious land dispute and pending title suit between the parties coupled with delayed lodging of the FIR, 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 12 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 ACJM, Darbhanga, in connection with Ghanshyampur P.S. Case No.220 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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