

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19779 of 2018

Arising Out of PS.Case No. -320 Year- 2017 Thana -BALIA District- BEGUSARAI

- =====
1. Gujo Yadav, S/o Wakil Yadav,
 2. Mahesh Yadav @ Mahesh S/o Late Bino Yadav, Both R/o Vill.-
Noorjamapur, P.S.- Balia, Distt.- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 05-04-2018

Heard learned counsel for the petitioners and

learned APP the State.

The petitioners are apprehending their arrest
in a case registered for the offences punishable under Sections
447, 341, 506 and 384/34 of the Indian Penal Code.

The prosecution case got initiated with the
written report of Kailash Poddar dated 05.12.2017 submitted to
the Station House Officer, Balia P.S. is to the effect that on
27.11.2017 at about 8.00 A.M. the informant went to irrigate his
field where Gujo Yadav and Mahesh Yadav (petitioners) and
three unknown persons demanded Rs.50,000/- from the
informant to allow him to irrigate the field. But the informant
shown his inability then they abused and they took 100 feet



irrigation pipe from the land of the informant. They conveyed to the informant that if the demanded extortion money will not reach by the evening and they will uproot the crop. On 28.11.2017 the informant came to know that his crops have been uprooted.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of land dispute. For the occurrence of 27.11.2017 and 28.11.2017 the written report was submitted on 05.12.2017. The informant Kailash Poddar claiming the land on the basis of Will which was probated vide judgment dated 16.07.2012 and decree dated 03.08.2012 passed by Ad hoc Additional District & Sessions Judge-IV, Begusarai in Probate Case No. 54 of 1977, but vide order dated 12.08.2016 passed by Hon'ble High Court the judgment and decree passed in probate case were unsettled and appeal filed by Anand Mohan Poddar was allowed. Since petitioners are mortgagee of Anand Mohan Poddar, hence, they have been roped in the present case. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, however, submits that the petitioners are named in the FIR.



Considering the fact the accusation has been levelled in the background of land dispute and a statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Balia P.S. Case No. 320 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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