

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 58130 of 2018

Arising Out of PS. Case No.-58 Year-2017 Thana- VIJAIPUR District- Gopalganj

1. Arjun Yadav, Son of Sudama Yadav
2. Baiju Yadav, Son of Rama Yadav

Both are Resident of Village- Khutaha, P.S.- Vijaipur, District-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 13-12-2018

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in Vijaipur P.S. Case
No. 58 of 2017 dated 09.04.2017 instituted under Sections
147/341/323/379/354(A)/354(B) /504 /506 of the Indian Penal
Code.



3. The allegation against the petitioners and 10 others is of having forcibly cutting the crop of the informant and also of assault and abuse along with snatching of the *Mangalsutra*.

4. Learned counsel for the petitioners submitted that the crop was on the land which is disputed and for which they have filed title suit against the informant party. It was further submitted that the police have found that it was actually the informant party, who was the aggressor. Learned counsel further submitted that the allegation of snatching of *Mangalsutra* is only cosmetic so as to make the case non bailable. It was submitted that the members, who have been accused have already been granted anticipatory bail.

5. Learned A.P.P. submitted that just because there may be land dispute it is not permissible to take the law in their hand and once the fact that they have filed title suit is admitted, it cannot be said that the prosecution party was the aggressor as the dispute with regard to the title and ownership was persisting. It was further submitted that the petitioners having taken the law in their hand do not deserve the privilege of anticipatory bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioners on anticipatory bail.



7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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