

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14001 of 2019

Arising Out of PS. Case No.-235 Year-2018 Thana- DAUDPUR District- Saran

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1. Biky Yadav, Son of Jawahar Yadav Resident of Village-Navalpur, P.S.-Daudpur, District-Saran.
 2. Bitu Yadav, Son of Jawahar Yadav Resident of village-Navalpur, P.S.-Daudpur, District-Saran
 3. Jawahar Yadav, Son of Late Uma Yadav Resident of village-Navalpur, P.S.-Daudpur, District-Saran
 4. Panchdeo Yadav, Son of Late Uma Yadav Resident of village-Navalpur, P.S.-Daudpur, District-Saran
 5. Prasant Kumar @ Banti Yadav @ Prashant Yadav, Resident of village-Navalpur, P.S.-Daudpur, District-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Ravindra Kumar Singh, Adv.
For the Informant	:	Mr. Awadhesh Kumar Singh, Adv. Mr. Pramod Kumar Singh, Adv.
For the State	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-03-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 307, 324, 326, 379, 504 and 506 of the IPC.

The prosecution case, as per the fardbeyan of Pradeep Kumar, recorded by A.S.I., Daudpur Police Station, on 07.12.2018, at Sadar Hospital, Chapra, is to the effect that on 02.12.2018 at 9.30 A.M., the informant was ploughing his



agricultural land by tractor, in the meantime, all the FIR named accused persons including the petitioners came and tried to rob the tractor of the informant and on protest being made, petitioner no.1, Biky Yadav assaulted the informant with spade and when the informant tried to save himself, then petitioner no.1 assaulted the informant with spade causing fracture injury on his legs and hands. It is further alleged that that petitioner no. 3, Jawahar Yadav ordered to kill the informant, whereupon, petitioner no.4, Panchdeo Yadav snatched gold chain from the neck of the informant. It is further alleged that petitioner nos. 1 and 5, Biky Yadav and Prashant Yadav tried to take away the tractor of the informant and on alarm being raised by the informant, nearby people came when petitioner no.1 resorted to fire and all the accused persons escaped from the scene.

It is submitted by learned counsel for the petitioners that the omnibus and general accusation has been levelled against the petitioners in the background of serious land dispute. It is further submitted that a case, being Daudpur P.S.Case No. 233 of 2017, was registered by the petitioners' side on 03.12.2018, at earlier point of time whereas the present FIR was lodged on 07.12.2018 as a retaliatory measure.

Learned counsel for the informant submits that petitioner



no.1 is having serious criminal antecedent and he caused fracture injury to the informant.

Considering the fact that petitioner no.1 caused grievous injury to the informant and he is having serious criminal antecedent, this Court is not inclined to grant anticipatory bail to petitioner no.1.

Accordingly, the prayer for anticipatory bail with regard to petitioner no.1 is rejected.

However, learned Court below may consider the prayer for bail of petitioner no.1, if he surrenders within a period of six weeks keeping in view that the accusation has been levelled in the background of serious land dispute.

So far as petitioner nos. 2 to 5 are concerned, considering the fact that omnibus and general accusation has been levelled against them in the background of serious land dispute and delayed lodging of the FIR, coupled with the statement made in paragraph no.3 of the petition that the petitioner nos. 2 to 5 are not having any criminal antecedent, let the above named petitioner nos. 2 to 5 be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of
learned J.M.-1st Class, Chapra at Saran in connection with
Daudpur P.S. Case No. 235 of 2018, subject to the condition as
laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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