

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14318 of 2019

Arising Out of PS. Case No.-85 Year-2018 Thana- BABUBARHI District- Madhubani

1. Sunil Yadav @ Sunil Kumar Yadav, Son of Rajdhar Yadav R/o village- Bhanpur, P.S- Babubarhi, District- Madhubani
2. Rajlal Yadav, Son of Late Bilat yadav @ Yugeshwar Yadav R/o village- Bhanpur, P.S- Babubarhi, District- Madhubani
3. Devendra Yadav, Son of Lakshman Yadav R/o village- Bhanpur, P.S- Babubarhi, District- Madhubani
4. Parikshan Yadav @ Ram Parikshan Yadav, Son of Khakhan Yadav R/o village- Bhanpur, P.S- Babubarhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-03-2019 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, 341, 323, 324, 307, 354B, 379 and 504 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the fardbeyan of Kaushalya Devi, recorded by Rama Shankar Paswan, A.S.I., Babubarhi Police Station on 17.05.2018 at D.M.C.H., is to the effect that on 16.05.2018 at about 8 A.M., the informant was erecting a hut



within his boundary line, in the meantime, 16 FIR named accused persons including the petitioners came and obstructed him and when the son of the informant made protest then on the order of co-accused, Ram Kumar Yadav, co-accused Anil and Ramchandra resorted to fire which hit the informant and his grand-son and when the daughter-in-law of the informant came to rescue them then co-accused Sushil Kumar Yadav disrobed her and snatched her Mangal Sutra worth Rs. 16,000/-.

It is submitted by learned counsel for the petitioners that the accusation against the petitioners have been levelled in the background of serious land dispute. There is counter version of the occurrence also, being Babubarhi P.S. Case No. 75 of 2018, which has been lodged by petitioner no.2, Rajlal Yadav, against the informant's side. The specific accusation of resorting to fire is alleged against co-accused, Anil and Ramchandra. A statement has been made in paragraph no.3 of the petition that apart from present case, petitioner no.1 is also made accused in other case, whereas petitioner nos. 2 to 4 are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the accusation being levelled in the



background of serious land dispute and the fact that accusation of resorting to fire has not been alleged against the petitioners and the counter version of the occurrence, being lodged by the petitioners' side, let the above named petitioners 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 ACJM-III, Madhubani, in connection with Babubarhi P.S. Case No. 85 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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