

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21281 of 2019

Arising Out of PS. Case No.-320 Year-2018 Thana- JOGAPATTI District- West Champaran

1. BINOD YADAV Son of Bishun Yadav Resident of Village - Chandraul, P.S.- Jogapatti, District - West Champaran
2. Lakshman Yadav @ Lachhan Yadav Son of Bishun Yadav Resident of Village - Chandraul, P.S.- Jogapatti, District - West Champaran
3. Yogendra Yadav Son of Late Babulal Yadav Resident of Village - Chandraul, P.S.- Jogapatti, District - West Champaran
4. Bishun Yadav Son of Late Babulal Yadav Resident of Village - Chandraul, P.S.- Jogapatti, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2019 Learned counsel for the petitioners has submitted that he seeks permission to withdraw this application against petitioner no. 2, namely, Lakshman Yadav @ Lachhan Yadav as he has already surrendered in the court below.

Permission is granted and application of anticipatory bail with regard to petitioner no. 2 is disposed of as infructuous.

Heard the learned counsel for the petitioner nos. 1, 3 and 4 and learned APP for the State.

The petitioner nos. 1, 3 and 4 are apprehending their arrest in connection with Jogapatti (Nawalpur) P.S. Case No.



320 of 2018 for the offences punishable under Sections 188, 382, 385, 504, 506/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Jagat Shukla submitted before the Superintendent of Police, Bettiah, West Champaran is to the effect that the agricultural land of the informant was grabbed by all the accused persons by keeping straws in the said land for which a proceeding under Section 144 Cr.P.C. was initiated against the petitioners.

It is submitted by the learned counsel for the petitioners that petitioners have falsely been implicated in this case in the background of litigated relationship between the parties. Admittedly, that a proceeding under Section 144 Cr.P.C. was earlier initiated for the land in question and no accusation of demanding extortion money has been made and therefore, no offence under Section 506 IPC is made out against the petitioners. A statement has been made in paragraph 3 of the petition that petitioners are not having any criminal antecedent.

Learned APP submits that accusation is specific against the petitioners for encroachment.

Considering accusation made in the backdrop of the land dispute and statement being made in paragraph 3 of the



petition that the petitioners are not having any criminal antecedent, let petitioner nos. 1, 3 and 4 be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four 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 learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Jogapatti (Nawalpur) P.S. Case No. 320 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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