

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23748 of 2019

Arising Out of PS. Case No.-216 Year-2018 Thana- ATHMALGOLA District- Patna

1. Subhash Kumar @ Subhash Yadav S/o Nasibi Yadav R/o village- Chanda, P.S.- Athamalgola, District- Patna
2. Umesh Prasad @ Umesh Yadav @ Uma Yadav S/o Nasibi Yadav R/o village- Chanda, P.S.- Athamalgola, District- Patna
3. Ganesh Yadav @ Babban Singh S/o Sita Saran Yadav R/o village- Chanda, P.S.- Athamalgola, District- Patna
4. Tarun Yadav S/o Nasibi Yadav R/o village- Chanda, P.S.- Athamalgola, District- Patna

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subesh Sharma

For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

31 17-07-2019 As prayed, learned counsel for the petitioners permitted to make correction in para-1 of the petition regarding the section during the course of the day.

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

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 147, 448, 341, 323, 379, 504, 506, 337, 338 & 427 of the Indian Penal Code.

Nine accused persons including the petitioners are



said to have intruded into the house of the informant and committed dacoity breaking open the door and Nitish Yadav resorted firing inflicting injury on his neck.

Learned counsel for the petitioners submitted that no such occurrence as alleged ever took place. The petitioners are quite innocent and have been falsely implicated in this case due to land dispute. As a matter of fact, the land of the petitioners is located on the rear side of the house of the informant and informant has opened the gate towards his land and wants to make staircase and on protest made by them the informant has filed this false and frivolous case against them. The allegation of resorting firing on the informant is not attributed to the petitioners. Independent witnesses examined by the I.O. have unanimously denied the occurrence. They have unanimously stated that there is dispute between the parties over making of staircase by the informant towards the house of petitioners.

Learned APP for the State and learned counsel for the informant opposing the bail petition submitted that the petitioners intruding into the house of the informant committed dacoity breaking open the door. Co-accused Nitish Yadav resorted firing inflicting injury on the neck of the informant.



Petitioners have criminal antecedent. Hence, they do not deserve bail.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the S.D.J.M., Barh, Patna in connection with Athamalgola P.S. Case No. 216 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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