

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25063 of 2019

Arising Out of PS. Case No.-572 Year-2018 Thana- BAKHTIYARPUR District- Patna

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DHARMRAJ YADAV @ DOMAN YADAV Son of Narsingh Yadav, Resident
of village Mahmadpur, P.S. Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey
For the Opposite Party/s : Mr.Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-07-2019 Heard learned counsel for the petitioner and learned

counsel representing the State as well as learned counsel for the

informant.

Petitioner in the present case is seeking anticipatory
bail in connection with Bakhityarpur P.S. Case No.572 of 2018
registered for the offence punishable under Sections 341, 323,
385, 387, 379, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the prosecution version while the informant was returning from
his shop the petitioner along with six other persons surrounded
him and threatened him on the gun point to withdraw the two
cases mentioned in paragraph 3 of the application and when the
informant refused to agree to withdraw those cases the accused
persons started assaulting the informant with butt of pistol, iron



rod, lathi and stick. The petitioner allegedly demanded a sum of Rs.5 lacs towards ransom and on failure to pay the said amount he threatened to kill the informant as well as his family members.

Learned counsel for the petitioner submits that the petitioner has been made accused in Bakhtiyarpur P.S. Case No.487 of 2018 and 482 of 2018 at the instance of one Birendra Kumar who is the brother of the informant of the present case and is also an accused in another case bearing No.251 of 2013 registered under Sections 302, 201 and 120(B) of the Indian Penal Code, but in all these cases the petitioner is on bail. It is submitted that one Gauri Lal who is the common agnate had executed a sale deed in favour of Smt. Karanti Devi, wife of this petitioner in respect of a piece of land measuring area 15.625 decimal, this led to a dispute between the petitioner's side and the informant's side as they are co-sharers. It is submitted that in this case although the allegation is that the accused persons had assaulted the informant, but no injury report has come in the case diary. It is thus a case of false implication because of prior enmity.

Learned APP as well as learned counsel for the informant have opposed the prayer for anticipatory bail,



however, in course of hearing from the case diary save and except the statements of some family witnesses no statement of any independent witness has been brought to the notice of this Court. No injury report is there in the case diary.

In the given facts and circumstances of the case considering that there is a land dispute between the parties and further that there is no injury report available on the record corroborating the allegations against the petitioner at this stage, let the petitioner above named, in case of his arrest or surrender within four weeks from today in connection with Bakhtiyarpur P.S. Case No.572 of 2018, be released on bail on execution of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Barh, District-Patna, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. Apart from that the petitioner will attend the trial on each and every date and two consecutive failure to attend the trial shall lead to cancellation of his bail bond.

(Rajeev Ranjan Prasad, J)

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