

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31813 of 2019**

Arising Out of PS. Case No.-664 Year-2017 Thana- COMPLAINT CASE
District- Supaul

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1. SHIVNANDAN YADAV Son of Late Bhutai Yadav Present R/o Village - Saraigarh, P.S.- Kishanpur, District - Supaul, Resident of Village - Haripur Jharka, Tola Chakla, P.S.- Pipra, District - Supaul.
 2. Dewan Yadav Son of Late Bhutai Yadav Present R/o Village - Saraigarh, P.S.- Kishanpur, District - Supaul, Resident of Village - Haripur Jharka, Tola Chakla, P.S.- Pipra, District - Supaul.
 3. Ram Yadav Son of Late Bhutai Yadav Present R/o Village - Saraigarh, P.S.- Kishanpur, District - Supaul, Resident of Village - Haripur Jharka, Tola Chakla, P.S.- Pipra, District - Supaul.
 4. Dukhani Devi Daughter of Late Gangai Yadav Present R/o Village - Saraigarh, P.S.- Kishanpur, District - Supaul, Resident of Village - Haripur Jharka, Tola Chakla, P.S.- Pipra, District - Supaul.
 5. Radha Devi Wife of Dewan Yadav Resident of Village - Babhangama, P.S.- Triveniganj, District - Supaul.
 6. Shambhu Yadav Son of Khaidu Yadav Resident of Village - Choughara, P.S. and District - Supaul.
 7. Satyanarayan Prasad Yadav Son of Late Fanilal Yadav Resident of Village - Gorabgharh, P.S. and District - Supaul

... .. Petitioners

Versus

1. The State of Bihar
2. Surendra Yadav Son of Jainandan Yadav Resident of Village - Jarauli, P.S.- Pipra, District - Supaul.

... .. Opposite Parties

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Appearance :

For the Petitioners : Mr. Nafisuzzoha, Advocate.
For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 09-08-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 420, 467, 468, 471, 323, 379, 120B, 504, 506 of the Indian Penal Code registered in connection



with Complaint Case No. 664C of 2017.

3. It is submitted that the petitioners have been falsely implicated in a complaint-based F.I.R. in the backdrop of land dispute and the parties are cousins. It is submitted that the dispute is purely of civil nature as all the parties acquired share in the land as legal heirs of their respective mothers who were sisters. The parties have since entered into compromise and resolved the dispute amicably. The petitioners claim clean antecedents.

4. Learned APP assisted by learned counsel for the informant appears and has been heard. Learned counsel for the complainant/informant affirms the fact of compromise between the parties and submits that a joint petition dated 14.06.2019 has been filed before the ACJM, Supaul in that behalf.

5. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Supaul in connection with Complaint Case No. 664C of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors of each of the petitioners shall be their close relatives other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.



(iv) That the petitioner nos. 4 and 5 shall be well represented in Court on each and every date during trial except as and when directed by the learned Court to be physically present and petitioner nos. 1, 2, 3, 5, 6 and 7 shall remain physically present in Court on each and every date, and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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