

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51836 of 2019

Arising Out of PS. Case No.-23 Year-2019 Thana- NARAINPUR District- Bhojpur

1. LAL BABU YADAV Son of Ram Lakhan Yadav
2. Mrityunjay Kumar @ Mritunjay Kumar Son of Lal Babu yadav
3. Lakshminia Devi Wife of Lal Babu Yadav
All Residents of Village- Baruna, P.S.- Narayanpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Has Mishra
For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-08-2019 The petitioners apprehend their arrest in connection with Narayanpur P. S. Case No. 23 of 2019 registered under Sections 323, 341, 379, 385, 387, 427, 504 and 506 of the Indian Penal Code.

Allegation against the petitioners, as per FIR, is that a telephone tower in the village Baruna was installed on the land of the land owner Ram Lakhan Yadav under the agreement and his younger son Vinod Yadav has been deputed as guard of he said tower. It has been alleged that petitioner used to create hindrance in functioning of the tower and used to abuse and threaten the informant and others. It has further been alleged that on 29.03.2019, ATC Tower was stopped by the petitioner



no. 1 due to which operation of JIO and IDEA was totally stopped. When the informant arrived near the tower, petitioner no. 1 started abusing the informant and threatened him with dire consequences. It has further been alleged that lock of the tower was broken by petitioner no. 1 and he also damaged the tower, videography of which was done by the informant. It has also been alleged that DG battery of the tower was taken to his house by the petitioner no. 1 in order to steal the same causing disturbance in ATC. The informant alleged that the services of JIO and IDEA was completely stopped due to illegal act of petitioner no. 1.

Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have falsely been implicated in this case inasmuch as petitioners have also got share in the land but proportionate rent for the tower, installed upon the land, is not being given by the informant and others. He further submits that there is no allegation of payment of extortion money against the petitioners and allegation against wife of petitioner no. 1 is absolutely baseless.

After having heard learned counsel for the parties and taking into consideration the fact that petitioner no. 1 was indulged in vandalism and threatened the informant and his



company and stopped the entire communication system of JIO and IDEA by damaging ATC tower and removing the DG battery, accordingly, I am not inclined to grant anticipatory bail to the petitioner no. 1. As such, prayer for bail of petitioner no. 1 is rejected.

However, there appears to be no specific allegation levelled against petitioner nos. 2 and 3 and taking into consideration the fact that both are son and wife of petitioner no. 1, as such I am inclined to grant privilege of anticipatory bail to them.

Let the petitioner nos. 2 and 3, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned CJM, Bhojpur, Ara in connection with Narayanpur P.S. Case No. 23 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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