

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52872 of 2019

Arising Out of PS. Case No.-39 Year-2018 Thana- GAMAHARIYA District- Madhepura

1. JAGDISH YADAV, aged about 68 years, Male, Son of Late Maharaj Yadav, Resident of Village - Dayalpur, P.S.- Gamharia, District - Madhepura
2. Satyanarain Yadav @ Satto Yadav, aged about 80 years, Male, Son of Late Maharaj Yadav, Resident of Village - Kamalpur, P.S.- Ghalladh, District – Madhepura
... Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioners	:	Mr. Nafisuzzoha, Adv.
For the State	:	Mr. Md. Ataur Rahman, APP
For the Informant	:	M/s Kumar Praveen & Barun Kumar Singh, Advs.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 23-08-2019 Heard learned counsel for the petitioners, the learned counsel for the informant and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Gamhariya P.S. Case No. 39 of 2018 for the offences alleged under Sections 341, 323, 325, 307, 302, 504, 506 and 34 of the Indian Penal Code.

The accusation is that ten persons, including the petitioners, named in the first information report, having lathi, farsa, iron rod and spade in their hands, came at the land of the informant, Yogendra Yadav, and started filling the soil for constructing the road regarding which stay was granted under



Public Grievance Redressal Act. When the informant made protest for not filling the soil on his land, then, on the order of both the petitioners, Suresh Yadav gave farsa blow and caused injury on the right wrist and Sharavan Yadav caused injury through iron rod at the left hand. On raising alarm when Pappu Kumar, Nitish Kumar and Mahendra Yadav rushed to save the informant, then, Sharavan Yadav gave iron rod blow on his right hand's finger. The injured were rushed to the hospital. Mahendra Yadav, the brother of the informant, died.

The learned counsel for the petitioners submits that in fact occurrence of marpeet took place due to land dispute in which petitioners were not involved, but, both the petitioners, who are aged about 68 and 80 years have falsely been implicated in this case with allegation that at that time of occurrence both petitioners have ordered to give assault. Further submission is that after investigation while the police submitted final form against the petitioners, but, learned trial Court differing with the final form, took cognizance against the petitioners also.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the



case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Gamhariya P.S. Case No. 39 of 2018 shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, 1st Class, Madhepura, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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