

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63971 of 2019

Arising Out of PS. Case No.-247 Year-2019 Thana- KATEYA District- Gopalganj

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1. INDRA DEV YADAV @ INDRABALI YADAV, aged about 65 years, Male, S/o Late Thag Yadav, Resident of Village- Mahanthwa, P.S.- Kateya, District- Gopalganj
 2. Ramdas Yadav, aged about 45 years, Male, S/o Mukhlal Yadav, Resident of Village- Mahanthwa, P.S.- Kateya, District- Gopalganj
 3. Sheo Nath Yadav, aged about 59 years, Male, S/o Late Thag Yadav, Resident of Village- Mahanthwa, P.S.- Kateya, District- Gopalganj
 4. Manager Yadav, aged about 50 years, Male, S/o Late Harhangi Yadav @ Arhangi Yadav, Resident of Village- Mahanthwa, P.S.- Kateya, District- Gopalganj
 5. Sheobachan Yadav @ sheochander Yadav, aged about 52 years, Male, S/o Late Thag Yadav, Resident of Village- Mahanthwa, P.S.- Kateya, District- Gopalganj
- ... Petitioners

Versus

The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioners : Mr. Shailendra Kumar Dwivedi, Adv.
For the Opposite Party : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 18-10-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Kateya P.S. Case No. 247 of 2019 registered under Sections 188, 353 and 34 of the Indian Penal Code.

The accusation is that eleven persons, named in the first information report, including the petitioners, came in illegal possession of plot no. 538, khata no. 90 and thana no. 417 measuring 3 acre and 20 decimals, situated in Panchayat Raj Magahiya. Informant, being the revenue staff, made protest, then, the accused persons started to give threatening and also created nuisance due to which there is danger of breach of piece.



Submission is that while allegation has been made against the petitioners and six others to encroach the gair mazrua land, as detailed by the Revenue Karamchari, but, nothing has been detailed in the first information report about initiation of any proceeding against the petitioners about encroachment over the Government land. Due to ill motive, the informant, who is revenue staff, has lodged the present case. Petitioners have no criminal antecedent.

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 Kateya P.S. Case No. 247 of 2019 shall be released on 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, XV, Gopalganj, 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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