

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70859 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- RATANPUR District- Supaul

1. Sitnarayan Yadav, Male, aged about 41 years, Son of Saryug Yadav, Resident of Village - Samda, Ward No. 5, P.S.- Ratanpura, Distt - Supaul.
2. Mahendra Yadav, Male, aged about 40 years, Son of Saryug Yadav, Resident of Village - Samda, Ward No. 5, P.S.- Ratanpura, Distt - Supaul.
3. Upendra Yadav, Male, aged about 39 years, Son of Saryug Yadav, Resident of Village - Samda, Ward No. 5, P.S.- Ratanpura, Distt - Supaul.
4. Ram Krishna Yadav, Male, aged about 41 years, Son of Saryug Yadav, Resident of Village - Samda, Ward No. 5, P.S.- Ratanpura, Distt - Supaul.
5. Naresh Yadav @ Naresh Kumar Yadav, Male, aged about 34 years, Son of Saryug Yadav, Resident of Village - Samda, Ward No. 5, P.S.- Ratanpura, Distt - Supaul.
6. Kaushal Kumar, Male, aged about 21 years, Son of Mahendra Yadav, Resident of Village - Samda, Ward No. 5, P.S.- Ratanpura, Distt - Supaul.
7. Lalu Kumar, Male, aged about 13 years, Son of Mahendra Yadav, Resident of Village - Samda, Ward No. 5, P.S.- Ratanpura, Distt - Supaul.
8. Vivek Kumar, Male, aged about 17 years, Son of Sitanarayan Yadav, Resident of Village - Samda, Ward No. 5, P.S.- Ratanpura, Distt - Supaul.
9. Kundan Kumar, Male, aged about 14 years, Son of Upendra Prasad Yadav, Resident of Village - Samda, Ward No. 5, P.S.- Ratanpura, Distt - Supaul.
10. Sanju Devi @ Sanju Bharti, Female, aged about 28 years, Wife of Upendra Yadav, Resident of Village - Samda, Ward No. 5, P.S.- Ratanpura, Distt - Supaul.
11. Sushila Devi, Female, aged about 39 years, Wife of Jaiy Narayan Yadav, Resident of Village - Samda, Ward No. 5, P.S.- Ratanpura, Distt - Supaul.
12. Nisha Kumari, Female, aged about 26 years, Wife of Naresh Kumar Yadav, Resident of Village - Samda, Ward No. 5, P.S.- Ratanpura, Distt - Supaul.
13. Naina Devi, Female, aged about 33 years, Wife of Ramkishun Yadav @ Ramkrishna Yadav, Resident of Village - Samda, Ward No. 5, P.S.- Ratanpura, Distt - Supaul.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Kumar Goutam, Advocate.
For the Opposite Party : Mrs. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH



ORAL ORDER

2 16-11-2019 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of petitioner no. 1 Sitnarayan Yadav as he has already been arrested in connection with Ratanpura P.S. Case No. 45 of 2019, pending in the court of learned S.D.J.M. Birpur.

Permission is accorded.

The anticipatory bail application on behalf of petitioner no. 1 Sitnarayan Yadav is dismissed as withdrawn.

Heard learned counsel for petitioner nos. 2 to 13 and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 324, 379, 354, 504, 506 and 307/34 of the IPC.

The prosecution story, in brief, is that on 12.07.2019 at about 8.30 in the morning, all the F.I.R. named accused persons armed with weapons came on Tractor on the raiyati land of the informant with an intention to grab the same. On objection raised by his daughters-in-law Sunita Devi and Rekha Devi, they abused and assaulted them. Co-accused Sitnarayan Yadav put the Saree in the neck of Sunita Devi and Mahendra Yadav put the Saree in the neck of Rekha Devi and F.I.R. named accused persons assaulted with fists and slaps them. When



Kameshwari Yadav, Pawan Kumar, Raman Kumar and Krishna Kumar Yadav came to rescue his father then Upendra Yadav and Naresh Kumar Yadav assaulted with Bamboo on their heads. Ram Krishna Yadav also assaulted on the head of the informant and put on the earth. Other accused Pawan Kumar and Raman Kumar Yadav assaulted with Lathi, Phatta and Farsa causing injuries. They also snatched chain, locket and silver payal worth Rs. 15,000/- from Sunita Devi and Rekha Devi.

It has been submitted by learned counsel for the petitioner nos. 2 to 13 that they have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. They have falsely been implicated in the present case due to land dispute. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner nos. 2 to 13 (except petitioner no. 1 Sitnarayan Yadav), in the event of arrest or surrender before the learned



court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Birpur, in connection with Ratanpur P.S. Case No. 45/19, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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