

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80825 of 2019

Arising Out of PS. Case No.-166 Year-2018 Thana- HILSA District- Nalanda

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1. AWADHESH YADAV @ BHOSU YADAV Son of Late Sonali Yadav
Resident of Village - Alipur, P.S.- Hilsa, District- Nalanda
 2. Ajeet Singh Son of Late Ram Lakhan Sharma Resident of Village - Arpa,
P.S.- Hilsa, District- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 10-12-2019 Heard both sides.

The petitioners apprehend their arrest in Hilsa P.S.
case No. 166 of 2018 registered under Section 447, 323, 307,
379, 387, 504 of the IPC and u/s 27 of the Arms Act.

The informant, claims to be a senior advocate, alleged
that he got ancestral land and when he went to harvest the crops
the petitioners opened fire, claimed the land to be their owns
and demanded extortion.

The learned counsel for the petitioners submits that
informant got the land by partition in the judgement and decree
passed in Partition Suit No. 147 of 1980 but the father of the
petitioners purchased the land from the recorded tenant of the



land. The petitioners were not made party in the Partition Suit and the judgement and decree passed in Partition Suit is not binding on them.

On the face of it, it appears that there is bonafide land dispute between the informant and the petitioners and to settle the dispute the informant lodged this case making allegation of demand of extortion and other allegations.

Considering the facts aforesaid and nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Hilsa P.S. case No.166 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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