

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76030 of 2018

Arising Out of PS. Case No.-352 Year-2018 Thana- TURKAULIYA District- East
Champaran

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1. Pintu Rai and Ors son of Bindeshwari Rai,
 2. Upendra Rai son of Amirakha Rai,
 3. Bachalal Rai, son of Late Dhenuk Rai
 4. Manager Rai son of Raghunath Rai,
 5. Pappu Kumar @ Pappu Kumar Yadav, son of Late Butan Rai, null
 6. Jagat Rai son of Late Bhot Rai,
 7. Ganesh Rai son of Late Kirani Rai,
 8. Jiut Rai son of Late Bhikhan Rai,
 9. Sudama Rai son of Late Kirani Rai,
 10. Narad Rai son of Shankar rai
 11. Dilip Kumar Yadav @ Dileep Yadav, son of Late Chandra Rai,
 12. Raghunath Rai son of Late Ramdeo Rai,
 13. Sanjay Rai son of Haribhajan Rai,
 14. Paras Rai son of Late Ganesh Rai,
 15. Bhikhari Rai @ Bhikhar Rai, son of Late Ramdeo Rai,
 16. Sachin Devi wife of Haribhajan Rai, All Residents of Village- Jaisinghpur
Bandraha, P.S.- Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Sri Anuj Kumar Srivastava

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2019 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections
147,148,149,341,323,307,379,436 and 427 of the Indian Penal
Code.

The prosecution case got initiated on the basis of written
report dated 14.06.2018 submitted by Kantilal Sah to the Station
House Officer, Turkaulia Police Station to the effect that on the



same day, at 6.00 A.M., 67 accused persons named in the FIR and 150-200 unknown, including the petitioners, came with deadly weapon on the maize field of the one Yado Lal with intention to plough the said agricultural field. It is alleged that the accused persons also set the houses of Siyapati Kuwar, Chandeshwar and Yado Lal on fire. It is further alleged that the accused persons also obstructed the police force in discharging the official duties and also assaulted them.

It is submitted by learned counsel for the petitioners that in the background of land dispute and litigated relationship between the parties, the accusation has been levelled against the petitioners. Accusation of setting the houses on fire is omnibus and general against the mob. There is a counter version of the occurrence being Turkauliya P.S. Case No. 340 of 2018. It is further submitted that though the petitioners are accused in one other case which was lodged prior to lodging of the present case at the behest of the informant's side, but they are on bail in that case.

It is submitted by learned APP for the State that the petitioners are alleged to have set several houses on fire.

Considering the accusation being omnibus and general against the mob and the accusation has been levelled in



the background of serious land dispute and litigated relationship between the parties, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Motihari, East Champaran, in connection with Turkauliya P.S. Case No.352 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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