

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26361 of 2020

Arising Out of PS. Case No.-271 Year-2018 Thana- KISHUNPUR District- Supaul

1. ARVIND KUMAR @ ARVIND YADAV S/o Pulay Yadav @ Fulaya Yadav Resident of Village-Dighiya, P.S.-Kishanpur, District-Supaul, State-Bihar.
2. Sachin Yadav @ Sachindra Yadav S/o Pulay Yadav @ Fulaya Yadav Resident of Village-Dighiya, P.S.-Kishanpur, District-Supaul, State-Bihar.
3. Gajendra @ Gajendra Yadav S/o Pulay Yadav @ Fulaya Yadav Resident of Village-Dighiya, P.S.-Kishanpur, District-Supaul, State-Bihar.
4. Pulay Yadav @ Fulaya Yadav S/o Kishundat Yadav Resident of Village-Dighiya, P.S.-Kishanpur, District-Supaul, State-Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar

For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-12-2020 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State, through Video Conferencing.

This application, for grant of anticipatory bail, arises out of Kishanpur Police Station Case No. 271 of 2018, disclosing offences under Sections 341/323/324/307/447/379/504/506/34 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that when the informant had gone to his land, he found that all the accused persons were ploughing his land and



when he protested, he was assaulted by the petitioners and other co-accused persons by means of sharp-cutting weapons and the accused persons also snatched away chain of the informant, worth Rs. 35,000/-. It has further been alleged that when the two brothers of the informant came in his rescue, the petitioners, along with other co-accused persons, threatened them and snatched away one mobile phone and Rs. 5,000/- from the brothers of the informant.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case and referring to Annexure-2, he submits that the injuries sustained by the informant have been found to be simple in nature. He further submits that both the parties are co-villagers and there is previous land dispute between them inasmuch as a title suit, bearing Title Suit No. 222 of 2012, was filed by the side of the informant, which was withdrawn by them on 24.01.2018. He further submits that the police, after completion of investigation, has not submitted charge sheet under Section 307 of the Indian Penal Code; rather, charge sheet, under Sections 341/323/325/447/504/506/34 of the Indian Penal Code. He further submits that the petitioners were given the benefit of Section 41(A) of the Code of Criminal Procedure, 1973, but bail bonds were not



furnished by the petitioners.

After having heard learned Counsel for the parties concerned and taking into consideration the materials on record and the fact that both the parties are co-villagers and there is land dispute between them, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Supaul, in connection with Kishanpur Police Station Case No. 271 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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