

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28226 of 2020

Arising Out of PS. Case No.-179 Year-2018 Thana- PIRPAINTI District- Bhagalpur

1. MILTAN YADAV @ MILTAN KUMAR, S/o Dinesh Yadav Resident of Village-Khoshalpur, P.S.-Pirpanti, District-Bhagalpur.
2. Dinesh Yadav, S/o Late Deep Narayan Yadav Resident of Village-Khoshalpur, P.S.-Pirpanti, District-Bhagalpur.
3. Arun Yadav @ Arun Kumar Yadav, S/o Late Deep Narayan Yadav Resident of Village-Khoshalpur, P.S.-Pirpanti, District-Bhagalpur.
4. Madho Yadav, S/o Late Siro Yadav Resident of Village-Khoshalpur, P.S.-Pirpanti, District-Bhagalpur.
5. Murlidhar Yadav, S/o Late Siro Yadav Resident of Village-Khoshalpur, P.S.-Pirpanti, District-Bhagalpur.
6. Surendra Yadav @ Surendra Kumar Yadav, S/o Madho Yadav Resident of Village-Khoshalpur, P.S.-Pirpanti, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi W/o Umesh Kumar Yadav Resident of Village-Gopalpur, P.S.-Zeromile, District-Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 04-12-2020 Heard Mr. Davendra Kumar Pandey, the learned

counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their

arrest in connection with Pirpanti P. S. Case No. 179 of

2018 dated 17.08.2018 (arising out of Complaint Case

No. 662 of 2015, dated 02.04.2015), instituted for the



offences under Sections 147, 148, 149, 323, 354B, 379, 427, 384, 504 and 120B of the Indian Penal Code and Section 27 of the Arms Act, 1959.

It has been submitted on behalf of the petitioners that without following the due procedure, the complaint filed by Opposite Party No. 2 has been directed to be converted into the subject F.I.R.

From a bare perusal of the F.I.R., it would appear that there is a land dispute between the parties and some kind of occurrence had taken place in the past also. There is a Title Suit pending between the parties with respect to a sale-deed having been issued by Sushila Devi in favour of the complainant. Because of the land dispute, the present case has been lodged against all the petitioners.

Considering the afore-stated facts and also taking into account that the petitioner no. 1 is a student whereas petitioner nos. 4 and 5 are elderly persons, all the petitioners are directed to be released on bail, in the



event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. - XI, Bhagalpur, in connection with Pirpainti P. S. Case No. 179 of 2018 dated 17.08.2018 (arising out of Complaint Case No. 662 of 2015 dated 02.04.2015), subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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