

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.76680 of 2019**

Arising Out of PS. Case No.-268 Year-2017 Thana- JAYNAGAR District- Madhubani

1. Vijay Yadav, Son of Ram Bharosh Yadav
  2. Ram Bharosh Yadav, Son of Late Genalal Yadav
- Both are resident of Village - Kuaadh, P.S.- Jaynagar, District- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioners : Mr. Bimal Kumar, Advocate  
For the Opposite Party : Mr. Arun Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

3      19-06-2020                      Heard learned counsel for the petitioners and  
learned counsel for the State via video conferencing.

By way of the present application, the petitioners have sought for pre-arrest bail in connection with Jaynagar P.S. Case No.268 of 2017 registered for the offences punishable under Sections 447, 341, 342, 323, 406, 354, 379, 504 and 506 read with 34 of the Indian Penal Code.

Learned counsel for the petitioners submitted that the petitioners have been falsely implicated in this case due to previous grudge and malice with oblique motive. No occurrence as alleged had ever taken place and the entire allegations are false and fabricated. As a matter of fact, the informant had taken Rs.3 lakh from the petitioners for running brick klin and



Rs.2,17,000/- for marriage of his daughter and assured for executing a registered sale deed of a piece of land in lieu of the amount taken, but he sold his land to another person and when the petitioners asked to refund the said amount, they started making excuse. As the petitioners stopped his tractor and told him to call his father, instead of calling his father, he instituted the instant case. He submitted that petitioner no.1, who is son of petitioner no.2 has lodged Jai Nagar P.S. Case No.277 of 2017 under Sections 406, 504 and 506 read with 34 of the Indian Penal Code against the informant and in retaliation to that case, the instant case has been instituted.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioners.

Considering the nature of allegation, the submissions advanced at the Bar, specially the case instituted by petitioner no.1 prior to the institution of the instant case, the prayer is allowed. The petitioners are directed to be released on bail in the event of arrest or surrender in the court below on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Madhubani in connection with Jaynagar P.S. Case No.268 of 2017 subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure.

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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