

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56 of 2020

Arising Out of PS. Case No.-1326 Year-2018 Thana- COMPLAINT CASE District- Araria

1. Narayan Prasad Yadav @ Narayan Pd. Yadav S/o Late Madan Yadav @ Mapa Yadav
2. Amrendra Yadav @ Amrendra Kumar Yadav Son of Narayan Prasad Yadav Both are residents of Village- Badhepara, Tole Chakardaha, P.S.- Narptganj, Distt- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nikhil Yadav S/o Late Madan Yadav Resident of Village- Badhepara, Tole- Chakardaha, P.S.- Narpatganj, Distt- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-02-2020 Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered for the offence punishable under sections 417 and 406 of the Indian Penal Code.

Prosecution case, in brief, as per the complaint case is that the complainant purchased 8.5 decimals land from his elder brother accused Narayan Prasad Yadav on 28.01.2008 by a registered sale deed. When the complainant went to the revenue clerk for mutation of purchased land, he came to know that the boundary given in the sale deed of his purchased land is wrong and the land with the said boundary has already been



mutated in the name of others. When the complainant went to his brother accused Narayan Pd. Yadav to rectify the boundary in the sale deed, he assured him that he will rectify the boundary. It has further been alleged that on 22.06.2018, when the complainant along with his wife again went to the house of the accused Narayan Pd. Yadav and asked him to rectify the boundary in the sale deed, accused Narayan Pd. Yadav became furious and started abusing the complainant and his wife refused to rectify the boundary in the sale deed of hie complainant and droved from there.

It has been submitted on behalf of the petitioners that petitioners have falsely been implicated in this case merely on the basis of land dispute. It has further been submitted that the present case is in the nature of civil dispute and land in question was registered in the year 2008, the present complaint case has been filed after lapse of 10 years. It has further been submitted that it is a case of land dispute and no offence under section 417 and 406 of the I.P.C. are made out against the petitioners. The petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of their arrest/surrender within a period of six weeks from today, let the



above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st, Araria in connection with Complaint Case No. 1326-C of 2018 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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