

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 23795 of 2020

Arising Out of PS. Case No.-135 Year-2020 Thana- ARA NAGAR District- Bhojpur

1. MUSA YADAV Son of Late Chhote Lal Yadav Resident of Village- Moti Tola Ara, P.S.- Ara Nagar, District- Bhojpur.
2. Lalbabu Yadav Son of Late Chhote Lal Yadav Resident of Village- Moti Tola Ara, P.S.- Ara Nagar, District- Bhojpur.
3. Pramod Yadav Son of Musa Yadav Resident of Village- Moti Tola Ara, P.S.- Ara Nagar, District- Bhojpur.
4. Manoj Yadav Son of Musa Yadav Resident of Village- Moti Tola Ara, P.S.- Ara Nagar, District- Bhojpur.
5. Sonu Yadav Son of Late Ganjeri Yadav Resident of Village- Moti Tola Ara, P.S.- Ara Nagar, District- Bhojpur.
6. Radha Devi Wife of Manoj Yadav Resident of Village- Moti Tola Ara, P.S.- Ara Nagar, District- Bhojpur.
7. Lal Muni Devi Wife of Late Ganjeri Yadav Resident of Village- Moti Tola Ara, P.S.- Ara Nagar, District- Bhojpur.
8. Durga Devi Wife of Pramod Yadav Resident of Village- Moti Tola Ara, P.S.- Ara Nagar, District- Bhojpur.
9. Sima Devi Wife of Lal Babu Yadav Resident of Village- Moti Tola Ara, P.S.- Ara Nagar, District- Bhojpur.
10. Sonu Yadav (Brother in-law of Pramod Yadav) Son of Late Baijnath Yadav Resident of Village- Pachrukhiya, P.S.- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Anil Kumar Singh, Advocate
For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 19-01-2021 Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners apprehend arrest in connection with Ara
Town Police Station (for brevity, *PS*) Case No 135 of 2020



instituted for the offence punishable under Sections 147, 149, 341, 342, 447, 504, 506, 307 of Indian Penal Code.

Under earlier order dated 08.10.2020, prayer for anticipatory bail in respect of petitioner No 6 Radha Devi, petitioner No 7 Lal Muni Devi, petitioner No 8 Durga Devi and petitioner No 9 Sima Devi has already been allowed.

Husband of the informant has received knife blow in the stomach. Allegation is that all the accused persons have assaulted the prosecution party due to rival claims on certain lands.

Learned counsel for the petitioners submits that the occurrence is of 11.03.2020. There was a scuffle between the parties over a land dispute. Husband of petitioner No 6 Radha Devi was shot at in the scuffle and Nagar PS Case No 131 of 2020 was lodged by petitioner No 6 on 12.03.2020 itself. The instant case has subsequently been lodged against the petitioners on 15.03.2020. Such delay in lodging of the case indicates falsity of the allegation.

In respect of petitioners No 1 to 5, it is submitted that they have not been attributed fatal injury or any specific assault. They have been falsely implicated, by alleging that they have either caught hold of the victim or instigated the assault.



Petitioner No 4 Manoj Yadav has also sustained firearm injury during the alleged occurrence and, in fact, the prosecution parties are the aggressors.

Learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of petitioners No 1 to 5 and 10 for grant of anticipatory bail is allowed. In the event of surrender/arrest of petitioners No 1 to 5 and 10, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur at Ara in Ara Town (Nagar) PS Case No 135 of 2020 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on



each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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