

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28413 of 2020

Arising Out of PS. Case No.-758 Year-2019 Thana- KAHALGAON District- Bhagalpur

1. Ram Swarup Yadav aged about 55 years (male) Son of Late Naresh Yadav
2. Arbind Yadav aged about 40 years, male Son of Late Mansuri Yadav Both resident of Village- Nadiya Tola, P.S.- Kahalgaon, District- Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Dr. Manoj Kumar, Advocate
For the Opposite Party	:	Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-01-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor appearing on behalf of the State.

The petitioners are apprehending arrest in connection with Kahalgaon P.S. Case No.758 of 2019 for offences under Sections 447, 384, 504 and 34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioners submits that petitioner no.1 has no criminal antecedent and petitioner no.2, who was made accused in connection with Kahalgaon P.S. Case No. 440 of 2009, has been acquitted in that case and there is no case pending either against petitioner no.1 or petitioner no. 2. Learned counsel submits that the petitioners and the informant were claiming ownership over the land in dispute for which the present case has been instituted. Learned



counsel submits that filing of the present case is a device to grab the land of the petitioners. He further submits that the informant as per averment in the FIR has not sustained any injury and no overt act was alleged against the petitioners.

Under the aforesaid circumstances, the Court is of the view that the petitioners have made out a case for grant of anticipatory bail. Let petitioners, above-named, in the event of arrest or surrender within one month from today, be released on bail on furnishing bail bond of Rs. 50,000/- (Rupees fifty thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon P.S. Case No. 758 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Upadhyay, J)

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