

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35355 of 2020

Arising Out of PS. Case No.-546 Year-2019 Thana- MASAUDHI District- Patna

-
1. Upendra Yadav, aged about 46 years (Male), Son of Chandradeo Yadav, Resident of Village-Tarpura, P.S.-Masaurhi, District-Patna.
 2. Mahesh Yadav, aged about 55 years, (Male), Son of Late Dinanath Yadav, Resident of Village-Tarpura, P.S.-Masaurhi, District-Patna.
 3. Satyendra Yadav, aged about 30 years, (Male), Son of Chandradeo Yadav, Resident of Village-Tarpura, P.S.-Masaurhi, District-Patna.
 4. Subodh Yadav, aged about 25 years (Male), Son of Chandradeo Yadav Resident of Village-Tarpura, P.S.-Masaurhi, District-Patna.
 5. Sanjay Yadav, aged about 23 years (Male), Son of Ramchandra, Resident of Village-Tarpura, P.S.-Masaurhi, District-Patna.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Surendra Kumar Mishra, Advocate.
For the Opposite Party : Mrs. Madhuri Lata, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-03-2021 Heard learned counsel for the petitioners and learned counsel for the State through virtual mode.

Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application filed on behalf of petitioner no.1 Upendra Yadav and petitioner no. 2 Mahesh Yadav as they have already been taken into judicial custody in connection with Masaurhi P.S. Case No. 546 of 2019, pending in the court of learned J.M. Ist Class, Masaurhi.



Permission is accorded.

The anticipatory bail application filed on behalf of the petitioner no. 1 Upendra Yadav and petitioner no. 2 Mahesh Yadav is dismissed as withdrawn.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioner nos. 3,4 and 5 and learned A.P.P. for the State.

The petitioner nos. 3, 4 and 5 are apprehending their arrest in a case for the offence registered under Sections 341, 504, 506, 147, 149, 384 and 385 of the I.P.C.

The prosecution story, in brief, is that on 14.07.2019 at 2.00 P.M., co-accused Arun Singh called the informant and asked him to transfer the land situated at Tarpura otherwise make payment of Rs. 25,00,000/- and in case of non-payment, the land in question was not allowed to plough. It is further alleged that on 19.07.2019 at 8.00 A.M., co-accused Arun Singh and other accused persons including the petitioners came and made firing though none has received injury.

It has been submitted by learned counsel for the petitioner nos. 3, 4 and 5 that they have got no criminal



antecedent. There is no allegation of tampering with the witnesses alleged against them. They have falsely been implicated in the present case. General and omnibus allegation has been made against them. No specific overt act is made against them. The matter relates to civil dispute. The date of occurrence is 19.07.2020 as to when the case was instituted on 21.07.2020. Delay has not been explained by the prosecution. Other co-accused have been granted bail by another Co-ordinate Benches of this Court vide Cr. Misc. No. 79323 of 2019 under order dated 13.02.2020 and Cr. Misc. No. 7174 of 2020 under order dated 02.07.2020, annexed as Annexures 2 and 2/1 to the present bail application.

On behalf of the State, it is submitted that the petitioner nos. 3, 4 and 5 are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner nos. 3, 4 and 5 (except petitioner nos. 1 and 2) above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Masaurhi, in connection with Masaurhi P.S. Case No.



546/2019, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

