

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26559 of 2022

Arising Out of PS. Case No.-158 Year-2021 Thana- SONBERSA District- Saharsa

1. Amar Singh @ Tikuli S/o Shri Bhushan Singh Resident of Village - Soha, P.S. - Sonbarsa Raj, District - Saharsa.
2. Sagar Singh S/o Shri Niraj Singh Resident of Village - Soha, P.S. - Sonbarsa Raj, District - Saharsa.
3. Surajbhan Prasad Singh @ Barku Singh @ Suraj Bhana Pd. Singh S/o Deo Chandra Singh Resident of Village - Soha, P.S. - Sonbarsa Raj, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29473 of 2022

Arising Out of PS. Case No.-158 Year-2021 Thana- SONBERSA District- Saharsa

Kari Yadav @ Kali Charan Yadav Son of Late Saryug Yadav Resident of Moh- Gangjala, P.S. - Saharsa, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 30222 of 2022

Arising Out of PS. Case No.-158 Year-2021 Thana- SONBERSA District- Saharsa

Nunu Yadav @ Devnarayan Yadav S/o Late Buchan Yadav R/o Mohalla- Gangjala Ward No. 18, P.S.- Saharsa, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 26559 of 2022)

For the Petitioner/s : Mr. Amarnath Jha, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

(In CRIMINAL MISCELLANEOUS No. 29473 of 2022)

For the Petitioner/s : Mr. Binod Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP
(In CRIMINAL MISCELLANEOUS No. 30222 of 2022)
For the Petitioner/s : Mr. Bal Krishna Mishra, Adv.
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 14-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsels for the petitioners of all the 3
cases and learned A.P.Ps. for the State of all the 3 cases.

The petitioners seek regular bail in connection with
Sonbarsa Raj P.S. Case No. 158 of 2021 lodged under Sections
302/34 of the I.P.C.

As per the prosecution case, informant has narrated
that a title suit no. 257 of 2020 is pending for 2 *kathas*, 12 ½
dhurs of land between the parties (informant and Kari Yadav). It
has been further narrated that the accused persons have
demolished the boundary wall of the land of the petitioners with
a view to grab the land which resulted into *Panchayati* dated
16.08.2021. In *Panchayati*, the named accused persons had
accepted the terms but subsequently, next date was again fixed
on 30.08.2021 for *Panchayati*. In the said *Panchayati*, a hot
discussion took place. It has been further informed that on
30.08.2021 at about 8 PM, he was in the house of accused Kari
Yadav and they variously attacked upon him and anyhow, he

managed to escape from there. On 31.08.2021, he was informed that unknown persons came on the motorcycle and sat him on the said motorcycle as pillion rider and ask that he will return after half an hour. The villagers of village Soha were seen Paramjit riding on motorcycle but subsequently, Paramjit was killed by the said unknown 4-5 persons. It has been categorically alleged by the informant that his deceased son was killed by above named accused persons for grabbing the land. In the said case, total 3 named and 2 unknown persons were made accused.

Learned counsel for the petitioners of first case submits that there are 3 petitioners and all were not named in the F.I.R. Counsel submits that the petitioners and informant belongs to the same village. Neither they were named nor any suspicion has been caused upon them. Counsel further submits that petitioners are in custody since 25.02.2022. Counsel for the petitioners submit that there are in total 3 criminal cases pending against the petitioner no. 1 in which one case is pending and in 2 cases acquittal took place, whereas the antecedent of the petitioner no. 2 and 3 are clean.

Counsel for the second case submits that petitioner is falsely been implicated in this case because admittedly there is

land dispute going on in the case which is apparent from the F.I.R. itself. Learned counsel further submits that his name has figured in this case only and only by virtue of suspicion. There is no cogent material found against him. He is in custody since 16.03.2022. Learned counsel further submits that charge sheet has already been filed in this case and he is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court. He submits that there is one case pending against him in which he is on bail.

Learned counsel for the third case submits that he is the respectable person of the village. Admitted land disputes are going on between the informant and Kari Yadav and on the request of both the parties, he has conducted *Panchayati* but the said *Panchayati* could not succeed and subsequently, on the suspicion, his name has figured in this case. He submits that there is one criminal case pending against him in which he is on bail. Counsel further submits that petitioner is in custody since 14.02.2022.

All the counsels for the petitioners submit that petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them.

Learned counsels for the State opposes the prayer for

bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that though petitioners of first case are not named in the F.I.R. but there are cogent materials found/available against them in the case diary. He has put emphasis that in the order sheet of the Sessions Judge, it is the categorical finding that one independent witness has identified these 3 petitioners of first case. He has claimed to saw the occurrence that the petitioners were holding arms *Garasha*, *Chura*, *Dabiya* in their hands and were assaulting the deceased. These materials are available in paragraph 23 and other witnesses of the case diary also supported the said statement of the witness. Counsel further submits that the injury indicated in the post-mortem report has also corroborated the truthness of the statement of the witnesses of the case diary.

It is admitted that in the entire materials available on record that for grabbing the land of the informant, the entire occurrence took place. Direct fight is with Kari Yadav and rest unknown accused persons have committed the said crime in help of Kari Yadav. Therefore, in the above facts and circumstances of the case and the submissions made above, I am not inclined to grant bail to the petitioners of first case and the

petitioner of second case.

So far as the petitioner of third case is concerned, his role is only limited up to conduct the *Panchayati*. Though, it was unsuccessful.

In this background, the petitioner of third case is hereby granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Saharsa in connection with Sonbarsa Raj P.S. Case No. 158 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands disposed off.

(Dr. Anshuman, J.)

sadique/-

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