

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34098 of 2022

Arising Out of PS. Case No.-80 Year-2022 Thana- KRITYANAND NAGAR District- Purnia

Indra Bhusan Yadav S/o Late Brahamdeo Yadav Resident of Village- Charaia,
P.S.- Srinagar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-09-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Krityanand Nagar (Champanagar) P.S. Case No.80 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379, 504 and 506 of the Indian Penal Code, and subsequently added Section 302 of the Indian Penal Code.

As per the allegation, the informant claimed a piece of land to be in the name of his mother and on the alleged date and time of occurrence twenty to twenty five unknown persons



along with the named accused persons came to his land and destroyed the standing crops and planted some other seeds and again, on another day the accused persons along with 20-25 unknown persons forcibly loaded the mustard seeds of the informant on a tractor from the informant's 'Aagan' and when the informant's mother and father protested, they were assaulted with rod by the accused due to which they sustained injury and it is further alleged that Sanjay Yadav assaulted Munilal and fractured his hand and Sanjay Yadav threatened the entire family of the informant to kill them and burn down their house.

The main submissions advanced by the learned counsel Mr. Sharda Nand Mishra for the petitioner are that against the petitioner there is only a specific allegation of destroying the crops, but any specific allegation against this petitioner in assaulting the deceased has not been mentioned in the FIR, admittedly in between both the parties a land dispute was running at the time of happening of the alleged incident, the present case is counter blast of K. Nagar (Champanagar) P.S. Case No.81 of 2022 lodged by petitioner himself due to death of Suryanarayan Yadav. Further submission is that in fact the petitioner had purchased the disputed land through a sale deed on 12.02.2019 from a Khatiyani Raiyat, thereafter Jamabandi



was opened in the name of the petitioner, hence the allegation of forcefully encroaching over the disputed land by this petitioner and other co-accused persons as alleged in the FIR is completely false and co-accused Sanjay Yadav who is carrying specific allegation of assaulting the informant's mother and brother has been granted bail by the Court below and the petitioner has been languishing in jail since 16.02.2022 and against him the investigation has been completed.

Learned counsel appearing for the Informant and Learned APP Mr. Shahabuddin Azeem @ S. Azeem appearing for the State have opposed the bail prayer and submitted that the present case relates to murder and Section 302 IPC was subsequently added in the FIR and the petitioner's case was lodged after the institution of the informant's case and the petitioner filed his case in order to create defence only.

In view of above submissions and mainly taking into account the facts that a land dispute running in between both the parties at the time of alleged occurrence is stated to be the genesis of the occurrence and against the petitioner there is no any specific allegation and more than twenty five persons are alleged to have committed the alleged incident and the petitioner has been chargesheeted and his case appears to be at



the initial stage, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner be released 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 concerned Court in connection with Krityanand Nagar (Champanagar) P.S. Case No.80 of 2022.

(Shailendra Singh, J.)

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