

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62552 of 2021

Arising Out of PS. Case No.-276 Year-2021 Thana- FALKA District- Katihar

1. RAJENDRA PRASAD YADAV S/o - Late Jharkhandi Prasad Yadav Resident of Village - Sabda, P.S. Falka (Pothia), District - Katihar.
2. Srinaw Prasad Yadav S/o- Rajendra Prasad Yadav Resident of Village - Sabda, P.S. Falka (Pothia), District - Katihar.
3. Rajesh Kumar @ Rajesh Kumar Yadav S/o- Prawan Kumar Yadav Resident of Village - Sabda, P.S. Falka (Pothia), District - Katihar.
4. Rakesh Kumar Yadav S/o Prawan Kumar Yadav Resident of Village - Sabda, P.S. Falka (Pothia), District - Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Subodh Kumar Jha, Adv. Mr.Bal Krishna Mishra, Adv.
For the Opposite Party/s	:	Mr.Lalan Kumar, APP Mr.Rajendra Prasad Sah, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-07-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 327, 385, 504, 34 of the Indian Penal Code.



The crux of the prosecution case is that the FIR named accused persons purchased the land of informant for which a criminal case is pending between the parties. It is alleged that accused persons demanded Rs.5,00,000/- in shape of ransom for vacating the land as owned and possessed by them.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. There is an admitted land dispute between the parties, for which several litigation are pending. The petitioners have never occupied the land of the informant and they are in physical possession over their share. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. Petitioner no.1 is aged about 83 years. Petitioners have no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioners, let them, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks



from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Falka (Pothia) P.S. Case No.276/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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