

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.308 of 2022

Arising Out of PS. Case No.-265 Year-2021 Thana- AMARPUR District- Banka

1. Mahendra Yadav Son of Late Shrawan Yadav,
 2. Lakhan Yadav @ Lakhan Lal Yadav Son of Late Shrawan Yadav,
 3. Adhik Lal Yadav @ Adhik Yadav Son of Late Shrawan Yadav,
 4. Dhananjay Yadav Son of Late Shrawan Yadav,
- All are resident of Village- Balia Tola, Gadai, P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 15-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners are apprehending their arrest in Amarpur P.S. Case No. 265 of 2021 registered for the offences punishable under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code.

As per F.I.R., the allegation is that when petitioners along with other accused persons were forcibly ploughing the land of the informant, the Circle Officer, Amarpur



and S.H.O., Police Station Amarpur came with police force and started demanding papers relating to the land from both the sides upon which petitioners and other co-accused persons assaulted to three persons from prosecution side with Lathi, Danda and brick-stones causing injury to them.

Learned counsel for the petitioners submits that due to land dispute case and counter case has been lodged between the parties, prosecution side is aggressor who had assaulted the police party causing injury to them for which the Circle Officer, Amarpur has lodged the F.I.R. bearing Amarpur P.S. Case No. 266 of 2021 under Sections 147, 148, 149, 341, 323, 324, 307, 332, 333, 337, 353 and 34 of the Indian Penal Code against the prosecution side. There is general and omnibus allegation against the petitioners.

Learned A.P.P. for the State has opposed the prayer of anticipatory bail of the petitioners, however, conceded the fact that the prosecution side is aggressor who caused injury to Circle Officer, Amarpur and others.

Considering the aforesaid facts and circumstances that there is land dispute for which case and counter case has been lodged between the parties and prosecution side is aggressor by which Circle Officer, Amarpur and others sustained injury, I am



inclined to grant anticipatory bail of petitioners. Let the petitioners, above named, in the event of their arrest/surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 265 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

ved/-

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

