

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12655 of 2023

Arising Out of PS. Case No.-137 Year-2022 Thana- BAKHTIARPUR District- Saharsa

1. SHIV NARAYAN YADAV Son of Late Biran Yadav R/v- Karuwa, P.O. Saroja, P.S.- Bakhtiyarpur, District- Saharsa
2. SATYA NARAYAN YADAV Son of Late Biran Yadav R/v- Karuwa, P.O. Saroja, P.S.- Bakhtiyarpur, District- Saharsa
3. PAPPU YADAV Son of Shiv Narayan Yadav R/v- Karuwa, P.O. Saroja, P.S.- Bakhtiyarpur, District- Saharsa
4. GUDDU YADAV @ GUDDU KUMAR Son of Satya Narayan Yadav R/v- Karuwa, P.O. Saroja, P.S.- Bakhtiyarpur, District- Saharsa
5. TUTTU YADAV @ TUTTU KUMAR Son of Satya Narayan Yadav R/v- Karuwa, P.O. Saroja, P.S.- Bakhtiyarpur, District- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Adv.
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-05-2023 Heard the parties.

Learned counsel for the petitioners seeks permission to withdraw this application as against the petitioner nos.1 and 2, as they have already been arrested during pendency of this application.

Permission is granted.

The instant application with regard to petitioner nos.1 and 2 is dismissed as withdrawn.

Now, this application is being heard with regard to



petitioner nos. 3 to 5.

The petitioner nos.3 to 5 apprehend their arrest in a case registered for the offence punishable u/s 341, 323, 504, 506, 307, 34 of the IPC.

As per the prosecution case, all the F.I.R. named accused persons including the petitioners assaulted the informant's side by means of various weapons.

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 due to land dispute. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. For the alleged occurrence, there is case and counter-case between the parties and both sides have sustained injuries. Informant has sustained three injury, out of which one injury was found grievous in nature. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since the parties are agnates and there is an admitted land dispute between them, let the above named petitioner nos.3 to 5, 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 Bakhtiyarpur (Balwahat O.P.) P.S. Case No.137 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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