

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29325 of 2023

Arising Out of PS. Case No.-270 Year-2022 Thana- HILSA District- Nalanda

1. Awadhesh Yadav @ Awadhesh Prasad S/O Late Sonali Yadav R/O Village- Alipur, P.S- Hilsa, Distt.- Nalanda.
2. Sukhdev Yadav S/O Late Chamaru Yadav R/O Village- Alipur, P.S- Hilsa, Distt.- Nalanda.
3. Sujit Kumar @ Sujit Kumar Yadav S/O Awadhesh Yadav R/O Village- Alipur, P.S- Hilsa, Distt.- Nalanda.
4. Amit Kumar S/O Awadhesh Yadav R/O Village- Alipur, P.S- Hilsa, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the State : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and the learned Additional Public Prosecutor (for brevity 'APP') for the State.

2. The petitioners are apprehending their arrest in connection with Hilsa P.S. Case No. 270/ 2022 registered for the offence punishable under Sections 147, 148, 149, 379, 504, 506 of the Indian Penal Code (for brevity 'IPC') and Section 27 of the Arms Act.

3. As per the informant, there is dispute between the parties over harvesting of 'mustard' from the field, over which the parties are claiming right. There is allegation of firing



against petitioner Nos. 3 & 4. It is also alleged in the First Information Report (for brevity 'F.I.R.') that the accused persons have been intimidating the informant for capturing the lands in-question.

4. Learned counsel for the petitioners submits that allegation of firing is false, no injury has been sustained by anyone in the alleged occurrence. Petitioner No. 2 is stated to be aged about 74 years and criminal antecedents have been explained in paragraph Nos. 3 & 17, as being cases lodged at the instance of the vendor of the informant, genesis being asserting of property rights.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Having regard to the submissions advanced by the petitioners' counsel, nature of allegations, explanation regarding antecedents and having regard to the nature of dispute between the parties, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with



two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda, in connection with Hilsa P.S. Case No. 270/2022, subject to the following conditions:

- (i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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