

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48758 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. BANBARI YADAV SON OF SOMIN YADAV RESIDENT OF VILLAGE-AGARPUR, PS- LODIPUR, DIST- BHAGALPUR
 2. AMIT YADAV @ JACK SUMAR ARYA SON OF SHANKAR YADAV RESIDENT OF VILLAGE- AGARPUR, PS- LODIPUR, DIST- BHAGALPUR
 3. SUMIT YADAV SON OF SHANKAR YADAV RESIDENT OF VILLAGE-AGARPUR, PS- LODIPUR, DIST- BHAGALPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. MULO DEVI WIFE OF NARO YADAV RESIDENT OF VILLAGE- NAYA TOLA, AGARPUR, PS- LODIPUR, DIST- BHAGALPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Adv.
For the Opposite Party/s : Mr.Umeshanand Pandit, APP
Mr.Swapnil Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 29-08-2023 Heard learned counsel for the petitioners, learned counsel
for the O.P. No.2 and learned APP for the State.

2. Petitioners apprehend their arrest in connection with
Complaint Case No.178/2023, registered for the offence
punishable u/s 406, 420, 379, 354(B), 467, 468, 470, 326,
120(B) and 34 of the IPC.

3. As per the prosecution case, the complainant purchased
19 decimals land by grandson of Rajendra Singh of Khatiyani
raiyat namely Karu Singh through registered sale deed. It is



alleged that they along with other co-accused assaulted the informant's side by means of various deadly weapons. Petitioner no.1 is said to be the order giver to demolish the house of the complainant and also assaulted the complainant. Petitioner no.2 is said to have assaulted the complainant with butt of three nut on her back and petitioner no.3 is said to have started breaking the wall adjacent to the shop.

4. 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. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is submitted that the said land was purchased by the petitioner no.1 in the year 2017 and Civil suit is pending between the parties. Petitioners have four criminal antecedent.

5. Learned APP for the State as well as learned counsel for the O.P. No.2 opposed the prayer for bail by submitting that the said land was purchased by the complainant, thereafter, the petitioner no.1 has purchased this land from another person. The said land was purchased by the complainant before the petitioner and a suit is pending in the court below.



6. Having regard to the facts and circumstances of the case and considering the nature of allegation, I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioners are at liberty to surrender before the learned court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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