

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48903 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- HASANPUR District- Samastipur

1. Surendra Yadav@ Sulo Yadav Son Of Late Nathuni Yadav Resident Of Village -MAKARRI Deora, Ps- Hasanpur, Distt- Samastipur
2. Karu Yadav @KARO Yadav Son Of Late Nathuni Yadav Resident Of Village -MAKARRI Deora, Ps- Hasanpur, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra, Advocate

For the Opposite Party/s : Ms.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Hasanpur P.S. Case No. 83 of 2023, registered on 06.05.2023 for the offences under Sections 341, 342, 323, 504, 506, 379, 308, 354 and 34 of the Indian Penal Code.

3. As per prosecution case, when the informant went to visit his land, he found the petitioners cutting bamboo from it and keeping the same in the sugarcane crop of the informant. When the informant opposed the same, the petitioners wrapped a *gamcha* around his neck and tried to strangle him. When



the son and the wife of the informant tried to save him, they were assaulted by the petitioners who also took away Rs. 5,000/- from the pocket of the informant and got thumb impression of the informant on a blank stamp paper.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No offence as alleged has ever taken place. The prosecution case is not credible. The FIR has been lodged after four days of incident and there is no satisfactory explanation for the same. Land dispute is apparent from the FIR and the informant has tried to give it a criminal colour. There is no injury on any of the victims and it is not believable that a person would go to the land in anticipation that informant would come and, thereafter, he would take the thumb impression on blank stamp paper. The petitioners have got no criminal antecedent.

5. Learned APP opposes the prayer for anticipatory bail made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague and non-serious nature of allegation against the petitioners with probability of false accusation, let the petitioners above named, in the event of their arrest or surrender



before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rosera, Samastipur/concerned court in connection with Hasanpur P.S. Case No. 83 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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