

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62446 of 2023

Arising Out of PS. Case No.-706 Year-2023 Thana- MADHEPURA District- Madhepura

1. Amrendra Kumar Yadav @ Amrendra Yadav @ Kari Yadav @ Amrendra Kumar Son Of Late Mansi Yadav Village- Bhelwa, Ps- Madhepura, Dist- Madhepura
2. Santosh Kumar @ Munna Son Of Amrendra Kumar Yadav @ Amrendra Yadav @ Kari Yadav @ Amrendra Kumar Village- Bhelwa, Ps- Madhepura, Dist- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Adv
For the Opposite Party/s : Mr.Braj Kishore Pd.(APP)

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-10-2023 1. Heard learned counsel for the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Madhepura P.S. Case No. 706 of 2023 registered for the offence punishable under Sections 341, 323, 379, 385, 386, 427, 504, 506 and 34 of the Indian Penal Code and section 27 of Arms Act.

3. It is alleged by the informant that when the informant stopped the accused persons from excavating soil from his land, the accused persons have assaulted the prosecution parties. Petitioner no. 1 is said to have fired upon the informant, and petitioner no. 2 has assaulted with the butt of



the Arms.

4. The learned counsel for the petitioners submits that the allegations are false. The wife of petitioner no. 1 is purchaser of the land in question, which is apparent from copy of the sale deed (Annexure-2) executed by agnates of the informant. The same informant has earlier lodged two cases against the instant petitioners on extraneous considerations. None has sustained any injury in the alleged occurrence as there is no injury report in support of the allegation of assault attributed against petitioner no. 2. The prosecution is based on extraneous considerations to settle scores arising out of procurement of the land by petitioner no. 1.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, nature of allegations, the copy of sale deed (Annexure-2) executed in favour of wife of petitioner no. 1, as also the facts and circumstances of the case, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel.

7. Prayer for anticipatory bail of the petitioners is allowed.



8. 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 bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Madhepura in connection with Madhepura P.S. Case No. 706 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor 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 bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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