

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14315 of 2024

Arising Out of PS. Case No.-181 Year-2019 Thana- JHANJHARPUR District- Madhubani

1. Kailu Yadav Son Of Natuni Yadav Resident Of Village- Chanauraganj (Navtoliya), Ps- Jhajharpur, Dist- Madhubani
2. Laxhman Yadav Son Of Natuni Yadav Resident Of Village- Chanauraganj (Navtoliya), Ps- Jhajharpur, Dist- Madhubani
3. Shrawan Yadav @ Shrawan Kumar Son Of Laxhman Yadav Resident Of Village- Chanauraganj (Navtoliya), Ps- Jhajharpur, Dist- Madhubani
4. Usha Devi Wife Of Shrawan Yadav @ Shrawan Kumar Resident Of Village- Chanauraganj (Navtoliya), Ps- Jhajharpur, Dist- Madhubani
5. Ramday Devi Wife Of Kailu Yadav Resident Of Village- Chanauraganj (Navtoliya), Ps- Jhajharpur, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Jhanjharpur P.S. Case No. 181 of 2019 (G.R. No. 1361 of 2019) registered for the alleged offence under Sections 147, 148, 149, 341, 323, 379, 354, 308, 447, 504 of the Indian Penal Code.

03. As per prosecution case, the petitioners and other co-accused persons making unlawful assembly and armed with *lathi, danda*, spade and spear tried to forcibly plant paddy crops



in the land of the informant. When the wife of the informant opposed their act, they assaulted her with *lathi* and *danda* and also tried to disrobe her. When the informant intervened, the petitioner no. 1 and 2 put a rope in his neck and tried to strangle him and when the informant fell down, the petitioners and other co-accused persons assaulted him brutally with *lathi* and the petitioner no.2 snatched a gold chain worth of Rs. 30,000/- from the informant. The petitioners also assaulted the other family members of the informant.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. No occurrence took place in the manner as alleged. There is a counter version and Jhanjharpur P.S. Case No. 182 of 2019 has been filed by the wife of petitioner no. 2 against the informant's side for the same occurrence. The injury reports of the victims show swelling, tenderness, bruise and lacerated wound of 2mm. x 2mm. x 2mm, which further show that injuries are merely superficial and on two of the victims no visible injury was found. Learned counsel further submits that, moreover, the matter has also been compromised between the parties. The petitioners have got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.



06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case and counter case between the parties in the background of land dispute and further considering the absence of any serious injury and possibility of false accusation, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Jhanjharpur, District-Madhubani in connection with Jhanjharpur P.S. Case No. 181 of 2019 (G.R. No. 1361 of 2019), subject to the condition 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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