

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22188 of 2024

Arising Out of PS. Case No.-2419 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Algu Yadav Son of Shivbachan Yadav Resident of vill.-Koerigawa, P.S.-Yogapatti, Distt.-West Champaran
 2. Ramanand Yadav Son of Shivbachan Yadav Resident of vill.-Koerigawa, P.S.-Yogapatti, Distt.-West Champaran
 3. Abhimanyu Yadav Son of Shivbachan Yadav Resident of vill.-Koerigawa, P.S.-Yogapatti, Distt.-West Champaran
 4. Shivbachan Yadav Son of late Bhoj Yadav Resident of vill.-Koerigawa, P.S.-Yogapatti, Distt.-West Champaran
 5. Rajaram Mahto Son of Bhagwan Mahto Resident of vill.-Koerigawa, P.S.-Yogapatti, Distt.-West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saheb Kumar Son of Anirudh Sharma Resident of vill.-Koerigawa, P.S.-Yogapatti, Distt.-West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhannjay Kumar No 2, Advocate
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, APP
For the Informant	:	Mr. Mayank Mohan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 29-04-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 302 and 448/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation in the first information report, it



is a case of the death of the mother of the informant by gun shot injury by some unknown persons.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case. He next submits that the petitioners are not named in the FIR and there is no specific allegation has been levelled against them and there is land dispute between the parties. In fact, the father of the complainant/informant has sold the land to petitioner no.5 but the petitioner no.5 has needed money, so he wanted to sell the land, then informant/complainant wanted to purchase the land, but the petitioner no.5 has not sold to him. He has sold the land to petitioner no.1 on 21.03.2016, so the complainant has bad terms with the petitioners. The petitioners have implicated in this false case to pressure upon them to return land to him and the petitioners have no concern with the murder of the mother of informant/complainant.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the petitioner and as it appears from perusal of first information report and complaint



petition as well as impugned order that for the same set of occurrence as raised in FIR bearing Yogapatti P.S. Case No.302 of 2013, a complaint petition after three years has been filed by the complainant, where, after inquiry cognizance has been taken by the learned trial court under Sections 302, 448/34 of the IPC and Section 27 of the Arms Act and as after investigation a final form has also been submitted against this petitioner, where, it is surprising that no evidence produced before the Investigating Officer by the complainant, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of CJM, Bettiah, West Champaran at Bettiah in connection with Complaint Case 2419C of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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