

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20970 of 2024

Arising Out of PS. Case No.-471 Year-2023 Thana- KUMAR KHAND District- Madhepura

1. Basudeo Yadav @ Basudeo Prasad Yadav Son of Late Dhaneshwar Yadav Resident of Village- Bhokraha, Ward No. 07, P.S.- Kumarkhand (Bhatni O.P.), District- Madhepura
2. Sanjeev Yadav @ Sanjeev Kumar Son of Ramchandra Yadav @ Ramchandra Prasad Yadav Resident of Village- Bhokraha, Ward No. 07, P.S.- Kumarkhand (Bhatni O.P.), District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate
For the Opposite Party/s : Mrs.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioners are apprehending their arrest in connection with Kumarkhand (Bhatni O.P.) P.S. Case No. 471 of 2023, registered on 30.12.2023 for the offences under Sections 341, 342, 447, 448, 323, 327, 504, 427, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners forcibly cultivated the land of the informant with aid of 10-12 unknown miscreants, who were variously armed and they also assaulted the informant. In this manner they destroyed the wheat crop standing on three bighas land of the informant.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. There is land dispute between the parties and in Title Suit No. 130 of 2022, learned Sub Judge-I, Madhepura has issued status quo order directing the informant side not to dispossess the petitioners. Infuriated by the said order, the informant lodged this false case. Earlier the informant side assaulted the petitioners and their family members and they were convicted vide judgment dated 31.01.2017 passed in Sessions Trial No. 38 of 2002 lodged by petitioner no. 1 as at that time they tried to forcibly capture the land of the petitioners. Learned counsel further submits that due to the previous enmity between the parties for the land in question the present case has been lodged by the informant only with a view to harass the petitioners and take the revenge. Petitioner no. 1 is 80 years old person and has retired as government teacher whereas petitioner no. 2 is also a teacher in private school. The petitioners have clan antecedent.

5. Learned APP opposes the submission 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 strong possibility of false implication, 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.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, MadhepuraAurangabad/concerned court in connection with Kumarkhand (Bhatni O.P.) P.S. Case No. 471 of 2023, subject to the condition 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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