

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49789 of 2024

Arising Out of PS. Case No.-772 Year-2023 Thana- SAUR BAZAR District- Saharsa

1. Pappu Yadav S/o Ghoghan Yadav R/o ward no.-6, Village-Shakhauri, Post-Ghoghanpatti, P.S.-Sour Bazar, Dhabauli, District-Saharsa.
2. Sunil Yadav @ Chotelal Yadav @ Chhote Lal S/o Late Nageshwar Yadav R/o ward no.-6, Village-Shakhauri, Post-Ghoghanpatti, P.S.-Sour Bazar, Dhabauli, District-Saharsa.
3. Ghogan Yadav S/o Late Nageshwar Yadav R/o Village-Muhalla-Mai Pir Pahar Taufir, P.s.-Muffasil, District-Munger.
4. Bijli Yadav S/o Ghoghan Yadav R/o Village-Muhalla-Mai Pir Pahar Taufir, P.s.-Muffasil, District-Munger.
5. Ashok Yadav @ Pintu Kumar S/o Ghoghan yadav R/o Village-Muhalla-Mai Pir Pahar Taufir, P.s.-Muffasil, District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Brahmdeo Yadav S/o Jagadish Yadav R/o ward no.6 Village Sakhauri, Post-Ghoghanpatti, p.S.-Saur Bazar, Dhabauli, District-Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-08-2024 Heard learned counsel for the petitioners and Mr. Pramod Kumar Pandey, learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 467, 468, 471, 406, 420/34 of the Indian Penal Code.

3. As per the prosecution case, all the F.I.R. named accused persons including these petitioners fraudulently prepared forged deed no. 16068 dated 24.10.1986, in the name



of their ancestors and thereafter, sold the land to some other persons. It is further alleged that on 03.12.2023 at about 3:30 PM when the informant was ploughing aforesaid land with tractor, all the accused persons armed with lathi, danda and iron rod, abused and on the order of petitioner no. 2 (Sunil Yadav), co-accused Thanthan Yadav fired shot at the informant, which missed and thereafter, co-accused Manju Devi ordered to set the house on fire and burn entire family of informant, however on being alarm raised by informant, some people assembled there and as such, all accused persons fled away.

4. Learned counsel for the petitioners submits that from perusal of the F.I.R., it is apparent that the dispute between the parties is purely of civil nature. No such occurrence, as alleged in F.I.R., ever took place and only with a view to settle civil dispute, this false and concocted case has been lodged. Prior to this case, a title suit, vide T.S. No. 408 of 2018, has already been filed from the petitioners' side. Learned counsel further submits that though, as per F.I.R., there is allegation of firing, but no one has sustained any fire-arm injury. Petitioners claim clean antecedent.

5. Mr. Pramod Kumar Pandey, learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail.



6. Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate – II, Saharsa, in connection with Sour Bazar P.S. Case No. 772 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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