

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51501 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Ram Pukar Yadav @ Ram Pukar Singh S/O Late Sita Yadav R/O Village- Kurari, P.S- Durgawati, Distt.- Kaimur (BHABHUA).
2. Mantu Yadav @ Vijendra Yadav S/O Ram Pukar Yadav @ Ram Pukar Singh R/O Village- Kurari, P.S- Durgawati, Distt.- Kaimur (BHABHUA).
3. Sanjay Yadav @ Sanjay Singh Yadav S/O Rajnath Yadav @ Ranath Singh R/O Village- Kurari, P.S- Durgawati, Distt.- Kaimur (BHABHUA).
4. Sonu Yadav @ Birendra Kumar Yadav S/O Savaru Yadav R/O Village- Bathawar, P.S- Sakaldiha, Distt.- Chandauli, Uttar Pradesh.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Rathour, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-08-2024 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 Durgawati P.S. Case No. 86 of 2024, registered for the alleged offence under Sections 341, 323, 324, 307, 34 of the Indian Penal Code and Section 27 of the Arms Act.

03. As per prosecution case, the petitioners and other co-accused persons tried to cut standing wheat crop from the land of the informant and when it was opposed, they assaulted



the informant and others.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Petitioner no. 1 has purchased the disputed land in the name of his wife and the title suit was decided in favour of the petitioner no.1. The informant has filed a title appeal, which is still pending. Learned counsel further submits that process under Section 107 Cr.P.C. was initiated in which it has been mentioned that it was the petitioner-Ram Pukar Yadav who has planted the crop of wheat which makes it clear that the informant's side is aggressor. The FIR of the wife of the petitioner-Ram Pukar Yadav was not taken by the concerned police station, who lodged the FIR after intervention of Superintendent of Police, Kaimur at Bhabhua when an application was given to him by the petitioner-Ram Pukar Yadav. The petitioners have received a number of injuries in the attack made by the informant's side. Learned counsel further submits that petitioner-Sonu Yadav @ Birendra Kumar Yadav has got no criminal antecedent whereas petitioner nos. 1 to 3 were accused in Durgawati P.S. Case No. 164 of 2009 in which they have been acquitted.

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 of the parties in the background of land dispute and 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Mohania, Kaimur in connection with Durgawati P.S. Case No. 86 of 2024, 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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