

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51573 of 2024

Arising Out of PS. Case No.-135 Year-2023 Thana- KHUSRUPUR District- Patna

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1. Ashok Yadav son of Bimal Singh Village- Chainpur Ps- Khusrupur Dist- Patna
 2. Shambhu Yadav @ Shambhu Kumar son of Arun Singh @ Arun Yadav Village- Chainpur Ps- Khusrupur Dist- Patna
 3. Sujay Yadav @ Sujay Singh son of Survesh Singh @ Survesh Singh Village- Chainpur Ps- Khusrupur Dist- Patna
 4. Ajit Gope son of Sugamber Singh Village- Chainpur Ps- Khusrupur Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajeev Kumar Son of Basudeo Rai Resident of B.K. Dutta Lane, New Jakkanpur, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Adv.
For the Opposite Party/s : Mr. Dilip Kumar No.1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-11-2024 Heard Mr. Prabhat Kumar Singh, learned counsel for the petitioners and Mr. Dilip Kumar No.1, learned A.P.P. for the State.

2. Though the notice has validly been served upon the opposite party no.2, but nobody appears on his behalf today in the Court.

3. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 384, 307, 34 of the Indian Penal Code and Section 27 of the Arms Act.



4. As per FIR, all the FIR named accused persons including the petitioners are said to have broken some part of boundary surrounded the land in question belongs to the informant and looted the items worth Rs. 15,000/- and demanded ransom of Rs. 10 lacs from the informant and threatened him of dire consequences as well. Thereafter, on 13.04.2023, when the informant was constructing the damaged boundary, petitioner Shambhu Yadav came and told the informant to talk with Ashok Yadav, who abused and threatened him of dire consequences on phone. Meanwhile, all the accused persons came there having deadly weapons in their hands and started firing with an intention to kill the informant, but anyhow he managed to escape.

5. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No such occurrence as alleged has ever taken place. They have falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. There is admitted land dispute between the parties. Petitioner no.1 is the real owner of the said land, which is also evident from Annexure-2 of the bail application. Though there is allegation of firing upon the



informant, but nobody has sustained fire arm injury in the alleged occurrence. No any cartridge was found at the place of occurrence. Learned counsel further submits that petitioner nos. 2, 3 & 4 have no criminal antecedent, whereas petitioner no1. has two criminal antecedents as mentioned in para-3 of this application.

6. Learned APP for the State opposes the prayer for bail.

7. Having regard to the facts and circumstances of the case, since there is admitted land dispute between the parties, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Khusrupur P.S. Case No.135 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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