

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60346 of 2024

Arising Out of PS. Case No.-1540 Year-2022 Thana- COMPLAINT CASE District- Araria

Ashok Yadav Son of Late Jay Narayan Yadav R/V- Village- Madhura North
(Thalha), Ward No. 14, P.S.- Narpatganj, Distt.- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rabindra Kumar Son of Satya Narayan Yadav R/V- Village- Madhura North
(Thalha), Ward No. 14, P.S.- Narpatganj, Distt.- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 17-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Complaint Case No. 1540C of 2022 dated 30.07.2022 instituted for the offence punishable under Section 323, 341, 420, 467, 471/34 of the Indian Penal Code in which cognizance has been taken under Sections 323, 341, 420 and 467 of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged date of occurrence, when the informant was returning to his home, the petitioner along with other accused persons, armed with lathi-danda, dabiya and weapon, surrounded him and started abusing him. They also assaulted him by fists and slap. The accused



persons told the informant that the land on which his house is situated is mine. They further stated that demolish the house and removed it from there. It is alleged that the accused person wrongly got the Jamabandi of the said land in their own names. Allegation against the petitioner no. 1 is that he made a forged and fabricated *panchnama* and got the jamabandi of the said land in his own name.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that as per the complaint case, the petitioner created the jamabandi of the land of informant in his name. Learned counsel for the petitioner further submits that a Jamabandi Appeal was filed by the complainant which was allowed and Jamabandi in favour of the petitioner has been cancelled by D.C.L.R.. It is further submitted that a Jamabandi Cancellation Appeal Case No. 15 of 2023 has been filed by the petitioner against Satyanarayan Yadav, the father of the complainant which is pending for final adjudication. The petitioner and the complainant are cousin. Learned counsel for the petitioner further submits that 'Khangri' partition was made between the father of the petitioner and the father of the complainant, in which the property in question was allotted to the father of the petitioner. After the death of his father, the petitioner got his name entered in



place of his father's name. Learned counsel for the petitioner submits that the present case is civil in nature. No criminal offence has been made against the petitioner. Lastly, it has been submitted that petitioner has one criminal case against him.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Complaint Case No. 1540C of 2022, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned learned Chief Judicial Magistrate, Araria, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

premchand/-

U		T	
---	--	---	--

