IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80935 of 2024

Arising Out of PS. Case No.-50 Year-2024 Thana- SIRISIYA District- West Champaran

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1. Kishun Yadav, aged about 50 years, Male, Son of late Mohan Yadav,
2. Pradeep Kumar @ Pradeep Yadav, aged about 26 years, Male, son of Kodai Yadav,
   Both resident of Village- Garabhua, P.S.-Sirsiya, Dist.- West Champaran
3. Radha Kishun Yadav, aged about 70 years, male, son of Late Sukhdev Yadav, resident of Village- Motipur, P.S.-Bairiya, Dist-West Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Sirsiya PS Case No.50 of 2024 dated 30.06.2024, instituted under Sections 341, 323, 324, 325, 384, 307, 379, 504, 506 of the Indian Penal Code.

3. The allegation against the petitioners is that when the informant was ploughing his field by tractor, the petitioners along with other accused persons came and enquired as to why he was ploughing the field. The informant replied that the land belongs to him and that is why he is ploughing it. Upon this,

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accused Amarjeet Yadav demanded rupees five lakh to cultivate the land. Thereafter, the accused persons caught the informant and assaulted him. When others came, they were also assaulted by means of iron rod, farsa etc.

4. Learned counsel for the petitioners submits that the present FIR has been lodged against eleven accused persons including the petitioner. It is further submitted that there is specific allegation of assault against Amarjeet Yadav, Sujit Yadav, Laxman Yadav, Balendra Yadav, Mantu Yadav and Pappu Yadav and allegation against the petitioners is general and omnibus. There is case and counter case between the parties. Sirisiya PS Case No.51 of 2024 has been lodged by the petitioners' side against the informant and others. There is land dispute between the parties. Lastly, it is submitted that petitioner nos. 2 and 3 have no criminal antecedents, whereas, one criminal case is pending against the petitioner no.1.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with

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two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran, in Sirsiya PS Case No.50 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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