

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3718 of 2024

Arising Out of PS. Case No.-128 Year-2023 Thana- LODIPUR District- Bhagalpur

1. Banbari Yadav @ Banwari Yadav S/O- Late Savin Yadav @ Sobhin Yadav R/O- Village- Naya Tola Agarpur, P.S.- Lodipur, Dist.- Bhagalpur.
2. Susil Yadav @ Sushil Yadav S/O- Late Savin Yadav @ Sobhin Yadav R/O- Village- Naya Tola Agarpur, P.S.- Lodipur, Dist.- Bhagalpur
3. Prince Kumar @ Prince Raj S/O- Susil Yadav @ Sushil Yadav R/O- Village- Naya Tola Agarpur, P.S.- Lodipur, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Md. Aslam Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 07-02-2024 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 Lodipur P.S. Case No. 128 of 2023 registered for the alleged offence under Sections 341, 342, 323, 307, 354(B), 379, 504, 34 of the Indian Penal Code.

03. As per prosecution case, co-accused persons assaulted the brother of the informant and confined the informant in their house and also sexually assaulted her. When the parents of the informant tried to rescue her, the petitioners-Banbari Yadav and Sushil Yadav assaulted the mother of the informant, causing injury on her head.



04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The whole occurrence took place in the background of land dispute as the petitioners-Banbari Yadav and Sushil Yadav had purchased two pieces of land from the family of the original land lord whereas the mother of the informant also purchased a piece of land from the maternal grandson of the original landlord. For this reason he wanted the petitioners to vacate the land, for which he lodged a number of cases against them with similar allegations. Learned counsel further submits that no occurrence as alleged has ever taken place. From the FIR, it is apparent that all the family members of the petitioners have been falsely implicated in this case. It is also surprising that no motive has been mentioned in the FIR lodged by the informant. Whole occurrence took place in day time, but there appears no eye witness. Moreover, the injury report of the injured mother of the informant shows simple injuries.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that the petitioners are accused in altogether 07 cases and appears to be habitual offender.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that other cases are also stated to be lodged by the informant or her family members and further considering the probability of false



implication, let the petitioners above named, in the even 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. 00,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class/concerned court in connection with Lodipur P.S. Case No. 128 of 2023, 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)

Ashish/-

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

