

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36542 of 2015

Arising Out of PS.Case No. -211 Year- 2015 Thana -BALIA District- BEGUSARAI

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1. Aazadi Singh Son of Ram Pukar Singh
 2. Kunal Kumar Singh Son of Azadi Singh
 3. Chhotu Kumar Singh Son of Azadi Singh
 4. Rajeev Kumar Son of Nand Kishore Singh
 5. Nand Kishore Singh Son of Ram Pukar Singh
 6. Raja Kumar @ Raj Kumar Son of Nand Kishore Singh
 7. Ram Pukar Singh Son of Late Raj Kumar Singh
- All are resident of village - Parbal Tole, Nagargama, P.S. Balia, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-09-2015

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 307, 379, 385 of the Indian Penal Code and 27 of the Arms Act.

Prosecution case is that the informant and others purchased 1 bigha land through the registered sale deed from Vidha Devi Agarwal. When the informant was laying foundation, then the accused persons came and demanded extortion of Rs.1,00000/-. It is alleged that



protest being made, on the order of Ram Kumar Singh co-accused Rahul, Manoj and petitioner no. 4 assaulted Chano Mahto, Umesh Sah and Balmiki Mahto by lathi. When Ram Pukar Sah went to rescue then petitioner no. 6 Raja Kumar @ Raj Kumar and petitioner no. 2 namely Kunal Kumar Singh assaulted by lathi. It is also alleged that petitioner no. 1 namely Aazadi Singh resorted to fire in air. Petitioner no. 5 namely Nand Kishore Singh snatched gold chain from the neck of Umesh Sah and took away Rs. 35,00/- from the pocket of Ram Kumar Mahto and Petitioner no. 4 Rajeev Kumar and co-accused Mangru Kumar took away Rs. 900/- and 1100/- from the pocket of Chano Mahto.

It is submitted by the learned counsel for the petitioners that land in question is claimed by the petitioners by virtue of gift and when the adversary of the petitioners lost their claim before the Revenue Authorities, then the present criminal case has been lodged. The injury has been found to be simple in nature.

Since petitioner no. 1 namely Aazadi Singh and petitioner no. 7 Ram Pukar Singh are accused in one case from before, let the learned court below consider the prayer for regular bail keeping in view of the fact that the similarly situated accused are being granted anticipatory bail, if they surrender before the learned court below within a period of six

weeks from today in connection with Balia P.S. Case No. 211 of 2015, pending in the court of learned Chief Judicial Magistrate, Begusarai.

So far as petitioner nos. 2, 3, 4, 5 and 6 are concerned, there is no specific allegation against them.

Considering the nature of accusation in the background of serious land dispute, let the above named petitioner nos. 2, 3, 4, 5 and 6 be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Balia P.S. Case No. 211 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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