

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15182 of 2016

Arising Out of PS.Case No. -1628 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT

District- WESTCHAMPARAN(BETTIAH)

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Ajay Sahani, Son of late Bhuneshwar Sahani

.... Petitioner/s

Versus

1. The State of Bihar

2. Laxman Mahto Son of late Singasan Prasad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Nawal Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 12-04-2016

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in a protest –cum- complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 384, 387, 452, 323 and 504/34 of the Indian Penal Code.

The prosecution case is that on 03.03.2013 at 8.00 A.M. the accused persons Suresh Prasad, Om Prakash Sah, Amar Sah and this petitioner were filling up soil on plot no.

338, khata no. 169 measuring an area of 2 kathas 8 dhurs of land. On protest being made the accused persons demanded extortion of rupees two lakhs. 144 Cr.P.C. proceeding was earlier initiated with regard to the same land when the rule was made absolute in favour of the complainant side and in spite of that accused persons filling soil on the land in question.

It is submitted by learned counsel for the petitioners that on conclusion of the investigation the petitioner was not sent up for trial, final form was accepted and subsequently on the basis of protect –cum- complaint order of cognizance has been passed. It is further that in the background of civil nature of dispute the accusation has been levelled.

A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail, in the event of 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) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Bettiah, District – West Champaran in connection with Complaint Case No. 1628-C of 2014 corresponding to Trial No.

3103 of 2015, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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