

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20404 of 2016

Arising Out of PS.Case No. -1628 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Suresh Prasad @ Suresh Sah Son of Binda Sah
 2. Om Prakash Sah Son of Binda Sah Both are residents of Chhawani Chouk Railway Dhala, Police Station Bettiah, district West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Laxman Mahto Son of late Singasan Prasad Resident of Chhawani Bettiah, Police Station Bettiah, District West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra
For the Opposite Party/s : Mr. Mukeshwar Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-05-2016 Petitioners are apprehending their arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 387, 452, 504/34 of the Indian Penal Code.

The prosecution case is that on 03.03.2013 at 8:00 A.M the accused persons including the petitioners 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 lacs. The 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's 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 petitioners were not sent up for trial, final form was accepted and subsequently on the basis of protest-cum-complaint, order of cognizance was passed. It is further submitted that in the background of civil nature of dispute the accusation has been levelled.

A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Complaint Case No. 1628C of 2014, 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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