

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6976 of 2016

Arising Out of PS.Case No. -6 Year- 2016 Thana -NAWANGAR District- BUXAR

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1. Harishankar Dubey Son of Late Kalika Dubey,
 2. Chandrabhusan Dubey @ Tuntun Dubey,
 3. Chuman Dubey,
 4. Atul Dubey,
 5. Pinku Dubey,
 6. Satyam Dubey, 2 to 6 sons of Harishankar Dubey, All resident of village - Raghunathpur, P.S. - Navanagar, District - Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Adv.

For the Opposite Party/s : Mr. Shyam Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-02-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 384, 385 and 504/34 of the Indian Penal Code.

The prosecution case is that the accused persons including the petitioners harvested the crop of the informant from his purchased land and on protest being made they assaulted the informant with fists and slaps and demanded extortion of Rs. 2 lakhs.

It is submitted by learned counsel for the petitioners that the land in question is recorded in the revenue records in the name

of petitioner no.1. The vendor of the informant Laxminia Devi is the niece of the informant and the land fell in the share of the petitioner by virtue of compromise decree passed in Title Suit No.373 of 2013 and Laxminia Devi has not title hence transfer made by her in favour of the informant is nullity. It is further submitted that for the same cause of action Title Suit No. 486 of 2014 was also filed. Moreover, even assuming the accusation, offence under Section 384 IPC is not made out as only demand of extortion was made, hence at best, the offences comes within the purview of Section 385 IPC which is bailable. A statement has been made in para 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Buxar in connection with Nawanagar P.S. Case No. 06 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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