

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33867 of 2016

Arising Out of PS.Case No. -112 Year- 2016 Thana -SIWAN CITY District- SIWAN

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Sabir Mian @ Shabir Ahmad Son of Sultan Mian @ Sk. Sultan Ahmad
Resident of Shekh Muhalla, Police Station- Siwan Tola, District Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-08-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with
Siwan Town P.S. Case No. 112/16 for offence alleged under
Section 387/34 of the Indian Penal Code.

The prosecution case, as lodged by the
informant, is that when he went upon his land for construction two
persons i.e. Mister and Shahjad and 4-5 unknown came and asked
him to pay Rs. 10 lakhs in lieu of construction and threatened to
kill him. On 02.01.2016 again when he went to his land the said
accused persons repeated the same thing. Informant opposed the
same then accused Shekhu pointed pistol on him but any how
informant escaped.



It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. He submits that although the date of occurrence is alleged to be 02.01.2016 but the First Information Report has been lodged after inordinate delay i.e. on 07.02.2016 and no plausible explanation has been given for such delay. He further submits that although the petitioner is known to the informant but still he has not been named in the First Information Report and the lands belongs to him, which the informant has alleged to be his land for which he has filed the registered deed of 1940, which is Annexure-2 to this petition. It has further been submitted that it is not evident as to how through *Mokhtarnama* the informant got the land in question, which is his land and that he has no criminal antecedent, as is evident from paragraph 3 of this petition.

However, learned APP for the State submits that the petitioner is alleged to be an accomplice to the F.I.R. named accused, hence, opposes the prayer for bail.

Be that as it may, since the matter relates to civil dispute, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs.

10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Siwan Town P.S. Case No. 112/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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