

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36497 of 2016

Arising Out of PS.Case No. -171 Year- 2016 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Vinod Singh, S/o late Yogendra Singh, R/o Vill Kesaria, P.S. Kesaria, District – East Champaran.
 2. Rajdeo Sahni, S/o late Ramswarup Sahni, R/o Vill. Baishakhwa, P.S. Kesaria, District – East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umakant Shukla
For the Informant : Mr. Madhurendra Kumar
For the Opposite Party/s : Mr. Dashrath Mehta (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 15-09-2016 Learned counsel for the petitioners seeks permission to withdraw the application of petitioner no.1, Vinod Singh, since during the pendency of this application, he has been arrested.

Such permission is accorded.

Accordingly, the application of petitioner no.1 is dismissed, as withdrawn.

Heard learned counsel for the petitioner no.2 and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kesaria P.S. Case No. 171 of 2016 registered under Sections 147, 148, 149, 341, 323, 447, 386, 387, 379,

298, 504 and 506 of the Indian Penal Code and section 27 of the Arms Act.

The allegation of informant Md. Suleman is that he purchased 17 Katha of land of Plot No. 929 under Khata No. 163 of village and P.S. Kesaria, District – East Champaran and he is in occupation over the land on constructing one room. On 04.04.2016, when he started the construction of the boundary wall then petitioners Vinod Singh, Rajdeo Sahni and Anil Singh along with 15 unknown came there and demanded ransom before starting raising the boundary wall giving threatening to shot fire. In the meantime, petitioner Vinod Singh took cash Rs. 20,000/- from the pocket of the informant and petitioner Rajdeo Sahni carried motor pump and other carried 15 bags of cement.

Learned counsel appearing on behalf of the petitioner no.2 submits that in fact, the land which is said to be purchased by the informant is a joint property and Partition Suit No. 288 of 2010 has been filed by Pravin Kumar, son of the petitioner Vinod Singh, which is pending in the Court of Sub-Judge, East Champaran, Motihari, in which, informant Md. Suleman is defendant no.11. Only to give undue pressure, the informant has lodged the present case.

Having considered the facts and circumstances of

the case, let the above named petitioner no.2 Rajdeo Sahni, be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M., Motihari in connection with Kesaria P.S. Case No. 171 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Rajendra Kumar Mishra, J)

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