

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24451 of 2016

Arising Out of PS.Case No. -131 Year- 2013 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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1. Ran Bahadur Singh Son of Sheo Mangal Singh Resident of Mohalla-
Chatauni Bazar, PS Chatauni, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-07-2016 Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 420, 120B, 467, 468, 469, 470, 471, 387, 323, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the uncle of the informant purchased nine dhur of land in the year 1939 from Kirit Singh and Pirit Singh through registered sale deed and apart from the said land the uncle of the informant possessed one bigha five dhur land appertaining to Khata No. 170, Plot Nos. 423 and 424. It is alleged that on 13.02.2001 co-accused Nawal Kishore Singh executed an agreement to sale with regard to the aforementioned nine dhurs of land in favour of Vijay Malik, Santosh Kumar Paswan and Sanjay Paswan and after obtaining agreement to sale, the accused persons tried to dispossess the informant when on the application of the

informant under Section 144 Cr.P.C proceeding was initiated. It is alleged that this petitioner took out country made pistol from his pocket, pointed on the head of the informant and demanded Rs. 5,00,000/- as extortion.

It is submitted by learned counsel for the petitioner that thrust of accusation is against Nawal Kishore Singh who executed the agreement to sale with regard to the land of the informant. In fact, no injury was caused to anyone and no seizure of the arms was made from the petitioner. On conclusion of the investigation the petitioner was not sent up for trial but differing with the final form, cognizance has been taken under Sections 420, 120(B), 467, 468, 469, 470, 471, 387, 323, 504 of the Indian Penal Code by learned Chief Judicial Magistrate, East Champaran at Motihari vide order dated 23.09.2013. Learned C.J.M has not taken cognizance under the Arms Act.

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

It is submitted by learned counsel for the informant that petitioner demanded extortion on pistol point.

Considering the thrust of accusation against Nawal Kishore Singh who executed agreement to sale with regard to the land of the informant, petitioner having no criminal antecedent and not being sent up for trial, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, VI, Motihari, East Champaran in connection with Muffasil P.S. Case No. 131 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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