

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23631 of 2016

Arising Out of PS.Case No. -388 Year- 2015 Thana -SIWAN MUFFASIL District- SIWAN

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1. Divesh Singh @ Biresh Singh Son of Dinesh Kumar Singh New Siwan
Sugar Mills, Siwan, P.S.- Siwan Nagar, District- Siwan
2. Sonu Singh @ Dipesh Kumar Singh S/o Dilip Singh resident of village-
Renawa, P.S.- Hussainganj, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar
For the Opposite Party/s : Mr. Murlidhar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-05-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147,148,149,379,427,307 and 387 of the Indian Penal Code.

The prosecution case, in short, is that the accused persons had demanded extortion of Rupees Four Lacs and threatened the informant for not fulfilling the extortion demand.

It is submitted by learned counsel for the petitioners that there is a land dispute between Yogesh Kumar Singh alias Tachchu Singh, a co-accused and Kaniska Housing Co-operative Society. The informant was allotted the said plot by Kaniska

Housing Co-operative Society.

It is submitted by learned counsel for the petitioners that there is an interim order of status quo passed in Title Suit No.227 of 2015 and defying the said order of status quo, the informant is constructing the said house.

It is stated by learned counsel for the petitioner that considering the nature of accusation being made in the background of land dispute, the other co-accused have been granted anticipatory bail in Cr. Misc. Nos. 7425/2016 and 8636/2016 by a co-ordinate Bench of this Court.

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

Considering the aforesaid facts and circumstances, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan in connection with Siwan (Muffasil) P.S. Case No.388 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

This order is subject to the condition that the petitioners

shall present themselves before the police/court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

It is made clear that if any material comes to the notice of the prosecution that the petitioners are still causing obstruction by illegal means, in construction of the said house, they shall be at liberty to approach this court for cancellation of their bail granted by the present order and any order passed in the title suit or any proceedings between the parties shall be binding upon them.

(Dinesh Kumar Singh, J)

V.P.Sinha/-

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