

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7425 of 2016

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

1. Sachin Kumar Singh @ Munna Singh Son of Janardan Singh, Resident of Village - Renua, P.S. - Hussainganj, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.8636 of 2016

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

1. Yogesh Kumar Singh @ Tachchu Singh S/o Dinesh Singh resident of village - Siwan Sugar Mill, P.S. Siwan (Maffasil), District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In both cases)

For the Petitioners : Mr. Gajendra Kumar Jha, Advocate
Mr. Sushil Kumar Jha, Advocate
For the State : Mr. Pranav Kumar, APP
Mr. Atul Chandra, APP
For the Informant : Mr. Naresh Dixit, Advocate
Mr. Ranjeet Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 21-04-2016 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

These applications, for grant of anticipatory bail, arise out of Siwan (Mufassil) Police Station Case No. 388 of

2015, disclosing offences under Sections 147, 148, 149, 379, 427, 307, 387 of the Indian Penal Code.

It is alleged against the petitioners that they demanded extortion for permitting the informant to construct his house over a piece of land. It is submitted on behalf of the petitioners that there is land dispute between Yogesh Kumar Singh @ Tachchu Singh (petitioner in Criminal Misc. No. 8636 of 2016) and Kaniska Housing Co-operative Society. The informant is said to have been allotted the said plot by Kaniska Housing Co-operative Society.

Learned Counsel for the petitioners has further submitted that there is 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.

Learned Counsel for the informant, opposing the prayer for anticipatory bail, has submitted that there is no dispute with respect to the plot over which the informant is making construction.

Be that as it may, in the facts and circumstances of the case and nature of accusation against these petitioners, this application is allowed.

Let the petitioners, namely, Sachin Kumar Singh @ Munna Singh and Yogesh Kumar Singh @ Tachchu Singh,

in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan, in connection with Siwan (Mufassil) Police Station Case No. 388 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This 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.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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