

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51535 of 2017

Arising Out of PS. Case No.-15 Year-2017 Thana- MEHDIGANJ District- Patna

Laxmi Ram, aged about 60 years, S/o Late Raghunath Ram, resident of Kath
ka Pul, P.S.- Mehadiganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Swarup Prasad

For the Opposite Party/s : Mr. DR. KUMAR UDAY PRATAP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-11-2017 Heard learned counsel for the parties.

The petitioner is apprehending arrest in a case registered
for the offences punishable under sections 384 and 386 of the
IPC.

The prosecution case which got initiated with the written
report of Kripa Narayan, is to the effect that on 23.2.2017 at
about 11 A.M., the informant was constructing boundary wall on
his land. In the meantime, the petitioner came and demanded
extortion of Rupees One Lac. When the informant protested,
the accused persons abused the informant and threatened to kill
him.

It is submitted by learned counsel for the petitioner that in
fact the co accused Deo Kumar, nephew of the petitioner filed
Title Suit No. 54 of 2017 with regard to the land in question



wherein the informant is the defendant and the same is pending before the Sub-Judge I, Patnacity. There was a proceeding under section 144 of the Cr.P.C. with regard to the land in question. Even assuming the accusation, no case under section 384 or 386 of the IPC is made out, rather at best, the accusation constitutes an offence under section 385 IPC, which is bailable. It is further submitted that co accused has been granted bail by a co-ordinate bench of this court vide order dated 20.7.2017 passed in Cr. Misc. No. 26419 of 2017, as contained in Annexure 2/1. Though the petitioner is accused in one other case apart from the present one, but he is on bail in the said case.

Considering the nature of accusation in the background of land dispute, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Patnacity in connection with Mehandganj P.S. Case No. 15 of 2017.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

