

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51534 of 2017

Arising Out of PS. Case No.-212 Year-2017 Thana- BHAWANIPUR District- Purnia

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1. Phuleshwar Mandal, Son of Budhu Mandal,
 2. Budhu Mandal, Son of Late Lury Mandal,
 3. Subhash Mandal @ Bagdra Mandal, Son of Budhu Mandal,
 4. Rajendra Mandal, Son of Late Lury Mandal,
 5. Punam Devi, Wife of Sita Mandal,
 6. Kailash Mandal, Son of Uttam Mandal,
 7. Tinku Mandal @ Rinku Mandal, Son of Sita Mandal,
 8. Sukni Devi, Wife of Budhu Mandal,
 9. Sita Mandal, Son of Late Lury Mandal, All are resident of Village- Durgapur, Police Station- Bhawanipur, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. SRI BHANU PRATAP SINGH

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 147,148,149,341,323,385,387,379,427,354,504 and 506 of the IPC.

The prosecution case is that the informant is in possession of the land in question since last 29 years but when he started making construction the accused side objected it but the issue was pacified by Panchayat Sarpanch. Thereafter, on 1.8.2017 when the informant again started constructing the house, the



FIR named accused persons, after making unlawful assembly, came with deadly weapons and damaged the wall. When the wife of the informant went to rescue the informant then petitioner nos. 2 and 3 namely, Budhu Mandal and Bagda Mandal caught hold of her hair and started outraging her modesty by assaulting her. In the meantime, the accused persons snatched the ear - ring of informant's mother and demanded extortion of Rupees One Lac.

It is submitted by learned counsel for the petitioners that in the background of bonafide land dispute the accusation has been levelled. Earlier, with regard to the land in question the father of petitioner no. 2 namely Lury Mandal filed Title Suit No. 591 of 1963/ 38 of 1963 which was decreed in favour of the father of petitioner no. 2 and since then they are paying rent but the informant has illegally claimed the land in question. Moreover, it is specific case of the informant that the accused persons came armed with deadly weapons but there is no accusation of using the weapons. Hence, there is no intention of causing any grievous injury. Moreover, even assuming the accusation that the accused persons demanded extortion of Rupees One Lac, that does not constitute offence under section 387 of the IPC rather at best, it constitutes an offence under section 385 of the IPC,



which is bailable. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the accusation being levelled in the background of land dispute coupled with the statement made in paragraph 3 of the petition that the petitioners have no criminal antecedent, let the petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Purnea in connection with Bhawanipur P.S. Case No. 212 of 2017.

(Dinesh Kumar Singh, J)

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