

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61533 of 2017

Arising Out of PS.Case No. -242 Year- 2017 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

- =====
1. Sakkal Rai, S/o Beli Rai, R/o Village – Dumari, P.S. Patori, District – Samastipur, Bihar.
 2. Bipin Rai @ Bipin Kumar Rai, S/o Sakal Rai, R/o Dumari, P.S. Patori, District – Samastipur, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Maheshwar Singh, S/o Rajlan Singh, R/o Village – Dumari, P.S. Patori, District – Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan

For the Opposite Party/s : Mr. Sri Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 19-12-2017

Heard learned counsel for the petitioners

and learned APP for the State.

The petitioners are apprehending their arrest in a complaint case, wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 341, 323, 379, 386 and 504/34 of the Indian Penal Code.

The prosecution case is that the complainant's brother Akhilesh Singh purchased two kathas of land in the name of his wife in the year 2013. Subsequently, the construction material was collected on the land in question but



Akhilesh Singh went to Kolkata to earn his livelihood. On 16.02.2017 at 5.00 P.M. co-accused Bindhyasini Rai and petitioner no. 2 Bipin Rai came and demanded Rs.20,000/- as extortion. On protest being made they abused and gave threats. Subsequently, they came and abused the complainant and claimed that the land has been purchased from the agnate of co-accused Ramraji Singh and also threatened the complainant side to make payment of the extortion amount. Co-accused Molan Singh and petitioner no. 1 Sakkal Rai assaulted the complainant with fists and slaps and when the wife of the complainant came to rescue, co-accused Bindhyasini Rai pulled her sari and disrobed her and petitioner no. 1 Sakkal Rai snatched gold chain worth Rs.45,000/- and petitioner no. 2 Bipin Rai cut one tree from the land of the complainant. The accused persons also took three bags of cement and Rs. 5300/- kept in the hutment on the land in question.

Learned counsel for the petitioners submits that the accusation has been levelled in the background of land dispute. There is nothing on record to suggest that any substantial injury has been caused to the complainant or complainant's wife. A statement has been made in paragraph 3 of the petition that petitioner no. 1 is accused in one other case in



which he is on bail, whereas petitioner no. 2 is not accused in any other case. For the occurrence of 16.02.2017 the complaint was filed on 24.02.2017.

Considering the nature of accusation in the background of land dispute and delayed lodging of the complaint, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 2nd Class, Samastipur in connection with Complaint Case No. 242 of 2017, Trial No. 1484 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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