

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54473 of 2018

Arising Out of PS.Case No. -1048 Year- 2015 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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Abdul Samad Ansari @ Abdul Samad (Halka Karamchari) S/o Haji Nejamuddin Ansari, R/o Vill.- Bheroganj Nadda, P.S.- Bheroganj, District- West Champaran, Permanent R/o - Vill.- Sabeya, P.S.- Sirisiya, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Sadhu Baitha S/o Late Sarwan Baitha, R/o Ojhwaliya Mahuwar, P.O.- Tadvaliya, P.S.- Semra, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Sri Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner, in the present case, is seeking anticipatory bail in connection with Complaint Case No. 1048-c/2015, Tr. No. 2223/2015, registered for offences alleged under Sections 402 of the Indian Penal Code.

Learned counsel for the petitioner submits that the as per the allegations in the complaint petition on 04.10.2015, when the complainant went to watch his field, from villagers he learnt that mutation of 9 Katha land has been done in collusion with accused no.2. Thereafter, the complainant allegedly reached at the office of



the petitioner and asked about impugned mutation made in favour of accused no. 1. It is alleged that the petitioner demanded Rs.20,000/- for dismissal of mutation order and for creating Jamabandi afresh. The complainant alleged that he had somehow managed Rs.10,000/- and handed over it to the petitioner at his quarter but later on, when the complainant met him on 10.10.2015, the petitioner demanded remaining Rs.10,000/- for which he abused and made him flee from there.

Learned counsel submits that it is a case of false implication. It is submitted that the complainant is a shrewd litigant and by framing this petitioner in false case, he wanted to create a Jamabandi in his name but because the petitioner refused to oblige the complainant by interfering with the Jamabandi which is standing in the name of the brother of the complainant, the present case has been lodged.

Learned A.P.P. for the State is present and has opposed the prayer for bail.

Considering the facts and circumstances of the case, wherein the statement is that the allegation made in the complaint petition are in the nature of bald allegations, however, there being any iota of truth, in case of his arrest or surrender within four weeks from today, let the petitioner, above named, be enlarged on



bail on his furnishing bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. IInd, Bagaha at West Champaran in connection with Complaint Case No. 1048-c/2015, Tr. No. 2223/2015, subject to the conditions U/S 438(2) Cr.P.C.

(Rajeev Ranjan Prasad, J)

R.R.Ojha.

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