

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9612 of 2018

Arising Out of PS.Case No. -156 Year- 2017 Thana -HASANPUR District- SAMASTIPUR

- =====
1. Rahul Kumar Rai @ Rahul Kumar @ Rahul Rai
 2. Chandan Kumar Rai @ Chandan Kumar &
 3. Kundan Kumar Rai @ Chhote Kumar @ Kundan Kumar

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma

For the Opposite Party/s : Mr. Sri Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-02-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections-341, 323, 386, 387, 504/34 of the Indian Penal Code.

The prosecution case got initiated with the written report of Sunila Devi dated 06-10-2017 at 6.15 P.M. to the SHO, Hasanpur Police Station to the effect that the accused persons including the petitioners came to the house of informant and assaulted her and demanded Rs. 2,00,000/- (two lacs) as extortion money, or else she will not be allowed to plough the field. Subsequently, they took possession of the land in question. It is alleged that on 06-10-2017 at about 3.00 p.m., when the



informant was sitting at her door, the accused persons came and threatened her for not making the payment of extortion money of Rs. 2,00,000/- (two lacs), upon which, the informant protested, when, the accused persons assaulted her with fists and slaps. It is also alleged that Arun Jha and his wife Renu Devi took away box containing jewellery and clothes and some cash belonging to the informant.

It is submitted on behalf of the petitioners that Arun Jha is agnate of the informant and there was land dispute between the informant and Arun Jha. Since petitioners are supporters of Arun Jha, they have been roped in this case. It has further been submitted that no case under Sections-387, 386 of the Indian Penal Code is made out and at best a case u/S 385 of the Indian Penal Code is made out, which is bailable. It is stated in paragraph-3 of the petition that earlier petitioners have been made accused in a case bearing Hasanpur P.S. Case No. 101 of 2017, which was also registered at the instance of the informant of this case, for the offence punishable under Section-354 of the Indian Penal Code, wherein the petitioners have been granted anticipatory bail. Though statement to this effect has not been made in the petition.

Considering the nature of accusation and background of land dispute, let the above named petitioners be released on



anticipatory bail, in the event of arrest or surrender before the 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 Additional Chief Judicial Magistrate-III, Rosera at Samastipur in connection with Hasanpur P.S. Case No. 156 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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