

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43760 of 2018

Arising Out of PS. Case No.-411 Year-2018 Thana- SAHARSA District- Saharsa

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1. Amarendra Kumar Singh, S/o- Late Keshab Pd. Singh,
 2. Bikaram Kumar Singh @ Bikram Singh,
 3. Premjeet Kumar Singh @ Premjeet Singh,
- Both Son of Amarendra Kumar Singh, All R/o Vill.- Bharouli,
P.S.- Sonbersa Kachari, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Adv.

For the Opposite Party/s : Mr. Panchanand Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-07-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 379, 384, 427, 504, 506 and 120B of the IPC.

The prosecution case, as per the written report of Binod Kumar Singh, dated 03.04.2018, submitted to the Station House Officer, Sonbersa Kuchari Police Station is to the effect that on on the same day at 2.30 PM, the informant was returning to his house when he saw that the petitioners being his neighbours, with the help of some unknown persons, were collecting raw materials used for construction over his land and when the informant enquired about it from petitioner no.1, Amarendra



Kumar Singh, whereupon, petitioner no.1, Amarendra Kumar Singh took out the pistol and pointed the same on the informant and said unless, Rs. 1 lac is paid, they will not leave their claim over the land in question. On protest being made, petitioner no.2, Vikram Singh and petitioner no.3, Premjeet Singh put Dabiya on the neck of the informant, whereas petitioner no.2, Vikram Singh took out Rs. 25,000/- from the pocket of the informant and on alarm being raised when the by-passers came, then the petitioners escaped from the scene threatening the informant to make payment of Rs. 1,00,000/-.

It is submitted by learned counsel for the petitioners that even assuming the accusation to be true, no offence under Section 384 IPC is made out, rather at best, the accusation constitutes a case for the offence punishable under Section 385 IPC, which is a bailable offence. The accusation has been levelled in the background of series of litigations under Sections 107 and 44 of the Cr. P.C. between the parties. It is further stated that though, the petitioners are involved in one other case also, but in that case, they are on police bail, statement to that effect has been made in paragraph no.3 of the petition. Moreover, for the occurrence of 03.04.2018 at 02.30 PM, the FIR was registered on 05.04.2018, which reached to the



Court of learned CJM on 07.04.2018. The delayed lodging of the case and its delayed reaching to the Court of learned CJM, clouds the *bona fide* of the accusation and suggests that by antedating, the FIR was registered.

Learned APP submits that the petitioners are named in the FIR.

Considering the accusation levelled in the background of litigated relationship of the informant with the accused and the delayed lodging of the FIR, let the above named petitioners be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned CJM, Saharsa in connection with Saharsa Sadar P.S. Case No. 411 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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