

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2093 of 2018

Arising Out of PS. Case No.-747 Year-2016 Thana- SAHARSA District- Saharsa

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1. Mir Murshid @ Mir Mursid Ali,
 2. Mir Harun Both S/o Late Mir Ahamd @ Late Mir Ahmad Ali,
R/o Sulindabad, P.S. and District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. SRI SANJAY KUMAR SHARMA

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 384,386,387,307 and 504/34 of the IPC and Section 27 of the Arms Act.

The prosecution case got initiated with the filing of the complaint case by Abdul Barik on 5.8.2016, which came to be registered as Saharsa Sadar P.S. Case No. 747 of 2016, after the complaint being transferred under section 156(3) of the Cr.P.C. It is alleged that due to pendency of land dispute between the parties, on 20.7.2016 at 4.30 P.M., all the accused persons named in the complaint petition armed with weapon, came at the disputed land and demanded extortion of Rupees Two Lacs for which the informant made complain in the police station



concerned. It is further alleged that on 26.7.2016 at 5.30 P.M. while the informant was returning from the office, the accused persons, on the point of fire arm, demanded extortion of Rupees Two Lacs and snatched Rs.5000/ from the pocket and obtained signature on blank paper.

It is submitted by learned counsel for the petitioners that for the occurrences of 20.7.2016 and 26.7.2016, the complaint was filed with inordinate delay on 5.8.2016, which came to be registered as police case on 1.9.2016 and, in the background of litigated relationship, the accusation has been levelled though the petitioners lost at the hands of the informant in T.S. No. 79 of 1996, but the petitioners side has preferred appeal vide Appeal No. 31 of 2013. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the accusation is specific against the petitioner.

Considering the accusation being made in the background of serious land dispute and litigated relationship between the parties, coupled with the delayed lodging of the complaint, 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) with two sureties of the like amount each to the satisfaction of the learned CJM, Saharsa in connection with Saharsa P.S. Case No. 747 of 2016 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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