

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58677 of 2017

Arising Out of PS.Case No. -293 Year- 2016 Thana -WARSALIGANJ District- NAWADA

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1. G. C. Ram @ Rajendra Das, Son of Late Bisheshwar Das.
 2. Sanjiv Kumar Pandey @ Sanjay Das.
 3. Gautam Das, Both 2 & 3 Son of Lalkeshwar Das,
 4. Rocky Das, son of G.C. ram @ Rajendra Das, All Resident of village-
Sangatpar, Warsaliganj, P.S.- Warsaliganj, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 19-01-2018 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Warisaliganj PS case no. 293 of 2016
registered for the offences punishable under Sections 447, 341,
323, 385, 387/34 of Indian Penal Code.

The case of the prosecution is that the accused
persons were since long trying to grab the property belonging to
the lady informant and thereafter, they started demanding
extortion money from her and thus, all of them came variously
armed and assaulted the lady informant and also took away the
materials present at the said land.



The learned counsel for the petitioners submits that the FIR has been registered after about 09 months of the alleged occurrence and the entire case is fabricated inasmuch as, the land dispute is going on between the parties. It is further submitted that the petitioners were not having knowledge about any criminal case pending against them, however, when the informant had appeared before this Court and apprised this Court about three cases being pending against the accused persons, the petitioners had inquired about the same and it has transpired that the petitioners have been acquitted in one of the case while in other two cases, no summons or warrants of arrest had been issued till date.

Though, the petitioners have not come with clean hands but then the other side of the story is that the petitioners have been acquitted in one case and as far as two other cases are concerned, no summons or warrants of arrest have been issued against them, hence it is correct to contend on their part that they did not have the knowledge about the other two cases.

Having regard to the facts and circumstances of the case as also the fact that the petitioners are trying to grab the land of the informant lady as well as she has received injuries and finally considering the interest of justice, I deem it fit and appropriate to direct that the petitioners should pay a sum of



Rs. 25,000/- to the informant lady within a period of two weeks from today and thereafter, the petitioners should surrender before the learned trial court within a further period of two weeks and upon showing the proof of payment of the said amount of Rs. 25,000/-, the petitioners are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Addl. Chief Judicial Magistrate-II, Nawada in connection with Warsaliganj PS case no. 293 of 2016 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure. It is further directed that in case the lady informant refuse to take the said amount of Rs. 25,000/- then the petitioners would deposit the same in the Nazarat of the concerned trial court.

Accordingly, the petition is disposed of.

(Mohit Kumar Shah, J)

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