

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56042 of 2018

Arising Out of PS. Case No.-238 Year-2017 Thana- PUPRI District-
Sitamarhi

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1. Abdul Mannan Son of late Latif
2. Md. Asfaque@ Md. Asfaque Alam Son of Abdul Mannan
Both R/o Village- Hirauli, P.S. Pupri, District- Sitamarhi.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 10-12-2018 The petitioners seek bail in anticipation of their arrest in connection with Pupri P.S. Case No. 238 of 2017 dated 08.08.2017 registered for the offences under Sections 341, 323, 354, 379, 384, 427, 447, 504, 506, 34 of the Indian Penal Code and Section 33 of the Indian Forest Act, 1927.

It has been alleged that the petitioners and others came to the land belonging to the informant and demanded rupees five lakhs as *Rangdari*. Later, with the help of the J.C.B machine, her hut was removed from the land where it



was standing and some trees which were long standing on the land of the informant were also cut and taken away by the accused persons including the petitioners.

Mr. Ashok Kumar Jha, learned counsel for the petitioners has submitted that a false case has been lodged by the informant in as much as the land where the informant had unauthorizedly constructed the hut belongs to the petitioners. The falsity of the allegation, it has been submitted, further appears from the fact that the Police, after investigation submitted charge-sheet under Sections 379/34 of the Indian Penal Code and under Section 33 of the Indian Forest Act, 1927 only.

There is no specific statement in the petition that the land belongs to the petitioners. The impugned order refers to certain paragraphs of the case diary indicating that the statements made therein are in support of the prosecution version.

From the averments of the F.I.R and the fact that the Police did not find majority of the allegations to be correct and only submitted charge-sheet under Sections



379/34 of the Indian Penal Code and under Section 33 of the Indian Forest Act, 1927, this Court is inclined to grant the privilege of anticipatory bail to the petitioners. While saying so, this Court has taken note of the fact that petitioners do not have any criminal antecedents.

For the facts stated above, the petitioners, above named, in the event of their arrest or surrender within a period of four weeks from today before the learned Court below, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Pupri P.S. Case No. 238 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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