

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60596 of 2017

Arising Out of PS. Case No.-243 Year-2017 Thana- SIKARPUR District- West Champaran

1. Sekh Badrul Hoda
2. Sk. Nurul Hoda
3. Sk. Kamrul Hoda
4. Sk. Amirul Hoda
5. Sk. Motar @ Sk. Md. Motar
Sl. No. 1 to 5, S/o- Sk. Hussain
6. Sk. Saddam @ Md. Navi Azad @ Saddam
7. Sk. Nawab @ Nawab Alam
Sl. No. 6 and 7 s/o- Sk. Nurul Hoda
R/o- village Chanpatiya, P.S.- Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. SRI LALAN KUMAR

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 29-01-2018 Heard the learned counsel for the petitioners and the
learned APP for the State.

This is an application for grant of anticipatory bail in connection with Sikarpur P.S. Case No. 243 of 2017 registered for the offence punishable under Sections 147, 148, 149, 384, 387 and 395 of the Indian Penal Code.

The dispute primarily in the present case arises out of settlement of various ponds in favour of the informant and the petitioners herein. It is allegation of the prosecution that the land in question was settled in favour of the complainant and the



accused persons started demanding a ransom of Rs. 5 lakhs per year in order to let the complainant do the work pertaining to fishery. It has been further alleged that when the informant did not pay the ransom, the accused persons looted away fishes worth a sum of Rs. 5 lakhs. Learned counsel for the petitioner has referred to Annexure-2 to the present petition to show that by Annexure-2 to the petition, the land in question has been purchased by the petitioners herein. Hence, it is absurd to contend that they would demand ransom of Rs. 5 lakhs. It is further submitted that the learned Bihar Land Tribunal has granted an order of status quo vide order dated 09.10.2017 in favour of the petitioners herein. Hence, the informant is trying to do what he could not do in the civil proceedings by means of the present criminal prosecution.

Learned counsel for the informant has vehemently opposed the prayer for grant of anticipatory bail. It is submitted that the said land has been settled in favour of the informant by the Fisheries Department.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioners above named, in the event of their arrest or surrender before the Court below within a period of six weeks from the date of receipt/production



of a copy of this order, on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 243 of 2017 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure. It is further directed that the petitioner would cooperate with the investigation and in case it is found that they are not joining the investigation, the prosecution would be free to approach this Court for cancellation of bail. It is also directed that the petitioners will appear before the concerned Court below on each and every date fixed and in case of default on two consecutive dates, the present privilege of bail shall be cancelled.

(Mohit Kumar Shah, J)

Pankaj/-

U		T	
---	--	---	--

