

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70964 of 2018

Arising Out of PS. Case No.-110 Year-2018 Thana- PIPRA District- Supaul

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1. Krishna Bhushan Choudhary @ Pappu Choudhary
 2. Shashi Bhushan Choudhary Both are sons of Ghuthar Choudhary, residents of Village- Maheshpur, P.S. Pipra, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Md. Ansarul Haque

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-12-2018

Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 323,341,379,384,385,447,504 and 506 of the IPC.

The prosecution case as per the written report of Ravindra Prasad Choudhary submitted to the SHO, Pipra is to the effect that petitioner no. 1 who is the adjacent raiyat of 1 katha 19 dhoor land of the informant situated in Maheshpur, tried to encroach the land of the informant. The informant went to his land along with his son and found the accused persons encroaching his land. On protest being made, the accused persons abused and demanded extortion of Rupees Five Lacs.



It is submitted by learned counsel for the petitioners that with regard to the boundary dispute the accusation has been maliciously levelled. It is further submitted that there is no proof with regard to demand of extortion and even assuming the accusation to be true, no offence under Section 384 of the IPC is made out, whereas the offence under Section 385 of IPC is bailable. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioners.

Considering the accusation arising out of boundary dispute and the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, 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) each with two sureties of the like amount each to the satisfaction of the learned CJM, Supaul in connection with Pipra P.S. Case No.110 of 2018 subject to the conditions laid down in Section



438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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