

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27358 of 2018

Arising Out of PS. Case No.-123 Year-2017 Thana- BELCHAR District- West Champaran

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1. Lalbabu Sah, S/o- Late Jagdish Sah,
 2. Grin Sah @ Girendra Sah @ Girender Sah, S/o- Late Jagdish Sah,
 3. Nandlal Singh, S/o- Late Jagdish Sah,
 4. Baboran Sah @ Baharan Sah @ Akash Sah, S/o- Late Mohan Sah, All R/o- Vill.- Dhankutawa, Dakshin Tola, P.S.- Balthar, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash
For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-05-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 341, 323, 504, 506, 384, 379 and 427 of the IPC.

The prosecution case, as per the written report of Radheshyam Pandey, dated 17.12.2017, submitted to the Station House Officer, Balthar is to the effect that on 16.12.2017, eight accused persons, through tractor of Akhileshwar Prasad, started ploughing the land of the informant and when the informant made protest, then co-accused Raju Soni pointed the gun on the chest of the informant when petitioner no.1, Lalbabu Sah took out Rs. 25,000/- and Samsung mobile from the pocket of the



informant, whereas petitioner nos. 2 and 3, Grin Sah and Nandlal Sah, put knife on the neck and the abdomen of the informant when co-accused Raju Soni demanded extortion of Rs. 50,000/-.

It is submitted by learned counsel for the petitioners that the petitioners were ploughing their share of land and in order to intimidate the petitioners, the present case has been lodged. For the occurrence of 16.12.2017, the FIR was registered on 17.12.2017 at 2.30 PM. Admittedly, no injury has been caused to the informant. There is counter version of the occurrence also being Balthar P.S. Case No. 124 of 2017, registered for the offences punishable under Sections 147, 149, 341, 323, 504, 506, 385 and 379 of the IPC, lodged by petitioner no.1, Lalbabu Sah against the informant. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the informant submits that the accused persons after terrorizing the informant, tried to grab and plough the land of the informant.

Considering the accusation levelled in the background of land dispute, when, *prima facie*, it appears that none received any injury, coupled with statement made in paragraph no.3 of



petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Bettiah, West Champaran in connection with Balthar P.S. Case No. 123 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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