

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70792 of 2018

Arising Out of PS. Case No.-169 Year-2018 Thana- HARSIDHI District- East Champaran

1. Kabindra Kumar, Son of Vijay Kumar Singh,
2. Niraj Kumar, Son of Jagat Singh, Both residen of Village-
Dhankharaiya, Police Station- Harsidhi, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Sri Murlidhar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-12-2018 Heard learned senior counsel for the petitioners and
learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 419, 420, 467, 468, 471 and 120B/34 of the Indian Penal Code.

The prosecution case as per the written report of Priyaranjan Kumar dated 09.05.2018 submitted to the Station House Officer of Harsidhi Police Station is to the effect that the informant inherited the land appertaining to Khata No. 376, Plot No. 1806 situated in the District of East Champaranm, from the original owner Chaturbhuj Prasad. It is alleged against the petitioners that the petitioners fraudulently purchased the land from one Vijay Prasad, who is neither having the title nor possession on the land in question. It is lastly alleged that on



07.05.2018 Satyadeo Prasad and petitioner no. 1, Kavindra Kumar came to the house of the informant and demanded Rs. Two lakhs per katha as extortion or Rs.Five lakhs from the land appertaining to Khata No. 276, Plot No. 1806. It is also alleged that the petitioners are making illegal construction over the land of the informant.

It is submitted by learned senior counsel for the petitioners that it is out and out a civil nature of dispute but the criminal forum has deliberately been chosen to settle the score by resorting to pressurizing tactics. Petitioners have purchased part of the land from one Vijay Prasad in which in the respective sale deeds Kavindra Kumar and Neeraj Kumar are witnesses. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the First Information Report with specific accusation.

Considering the nature of accusation arising out of civil nature of dispute coupled with the statement made in paragraph 3 of the 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 or 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 the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in connection with Harsidhi P.S. Case No. 169 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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