

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.11631 of 2019

Arising Out of PS. Case No.-328 Year-2013 Thana- SAMASTIPUR MUFASIL District-Samastipur

1. LAKSHMAN SAH @ LAKSHSAN SAH, aged about 60 years, Male, son of Late Jamun Sah, resident of village-Rampur Dudhpura, P.S-Samastipur, Mufassil, Distt.-Samastipur
2. Ranjeet Kumar, aged about 41 years, Male, son of Sri Lakshman Sah @ Lakshsan Sah, resident of village-Rampur Dudhpura, P.S-Samastipur, Mufassil, Distt.-Samastipur
3. Manish Kumar, aged about 39 years, Male, son of Sri Lakshman Sah @ Lakshsan Sah, resident of village-Rampur Dudhpura, P.S-Samastipur, Mufassil, Distt.-Samastipur
4. Dilip Kumar, aged about 35 years, Male, son of Sri Lakshman Sah @ Lakshsan Sah, resident of village-Rampur Dudhpura, P.S-Samastipur, Mufassil, Distt.-Samastipur
5. Deepak Kumar, aged about 30 years, Male, son of Sri Lakshman Sah @ Lakshsan Sah, resident of village-Rampur Dudhpura, P.S-Samastipur, Mufassil, Distt.-Samastipur ... Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioners : Mr. Ranjeet Choubey, Adv.

For the Opposite Party : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 21-08-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Samastipur Mufassil P.S. Case No. 328 of 2013 for the offences alleged under Sections 147, 148, 149, 341, 323, 324, 326, 307, 384, 504 and 506 of the Indian Penal Code.

The accusation is that complainant-informant, Dinesh Kumar Sah, purchased 4.790 decimals land of plot no. 1185, 1186 and 1670 of khata no. 243 and came in possession of



purchased land. The petitioners and some persons, who are neighbours of petitioners, used to take Rs.500-1000 creating terror and also made demand of ransom of rupees two lakhs for the peaceful possession of the land. When the complainant-informant made protest in that regard, he was threatened with dire consequences. On 28.06.2013 while the complainant-informant was at his shop, received a mobile call to the effect that the petitioners are surrounding near his purchased land and erecting wall over it, he reached there and protested, then, the petitioner no. 1, Lakshman Sah, started to abuse and made complaint of not giving the ransom while the informant tried to inform the police through mobile, then, petitioner no. 1 asked others to kill him, thereupon, petitioner no. 2, Ranjeet Kumar, and petitioner no. 3, Manish Kumar, threw the acid on the complainant-informant in which he received injury on his head, chest and fore-arms. When one person, Anand Kumar, reached there to save the complainant-informant and made protest, petitioner no. 4, Dilip Kumar, and petitioner no. 5, Deepak Kumar, caused injury to him through iron rod. At that time, petitioner no. 5, Deepak Kumar, snatched the cash of Rs.30,000/-.

Learned counsel for the petitioners submits that in



respect of the land, as detailed in complaint petition, a Partition Suit No. 381 of 2013 is also pending in the Court of the Subdivisional Officer, Samastipur. Only to put undue pressure the informant filed the complaint case, which is the basis of the first information report. The petitioners have no criminal antecedent.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Samastipur Mufassil P.S. Case No. 328 of 2013 shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, V, Samastipur, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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