

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19543 of 2019

Arising Out of PS. Case No.-907 Year-2018 Thana- ARARIA District- Araria

1. Md. Ajaj, S/o Tahir Resident of Village-Kasaila, P.S-Madanpur, District-Araria.
2. Md. Tabrej @ Md. Tabrej Alam, S/o Quayamuddin Resident of Village-Madanpur, Chand Bhag, P.S-Madanpur, District-Araria.
3. Md. Maroof, S/o Late Aminuddin Resident of Village-Badanbitta, P.S-Tarabari, District-Araria.
4. Md. Zubair, S/o Late Aminuddin Resident of Village-Badanbitta, P.S-Tarabari, District-Araria.
5. Md. Qais Alam, S/o Late Md. Shafique Resident of Village-Dehti, Meerbhag, P.S.-Palasi, District-Araria.
6. Md. Anis, S/o Late Md. Shafique Resident of Village-Dehti, Meerbhag, P.S.-Palasi, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manish Kumar, Adv.
For the Informant	:	Mr. Krishna Pd. Singh, Adv.
For the Opposite Party/s	:	Mr.Rajendra Nath Jha, APP.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-04-2019 Heard learned counsels for the petitioners,

informant and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 384, 504 and 506/34 of the IPC.

The prosecution case, as per the written report of Md. Faruk, dated 25.12.2018 submitted to the Station House Officer, Madanpur Police Station, is to the effect that on 22.12.2018 at



about 1 A.M., the informant was ploughing his land through a tractor, in the meantime, all the six FIR named accused persons including the petitioners and 6-7 unknown persons came and started abusing the informant. It is specifically alleged that petitioner no.2, Md. Tabrej demanded extortion of Rs. 10 lacs for allowing the informant to plough the land.

It is submitted by learned counsel for the petitioners that the informant is the maternal brother of the petitioners and in the background of land dispute, the accusation has been levelled against the petitioners. Moreover, even assuming the accusation to be true, no case under Section 384 IPC is not made out against the petitioners, as no payment of extortion was made. It is further submitted that for the alleged occurrence of 22.12.2018, the FIR has been lodged on 25.12.2018. A statement has been made in paragraph no.3 of the petition that except petitioner no.2, Md. Tabrej, who is also accused in one other case, rest of the petitioners have no criminal antecedent.

Learned counsel for the informant submits that the petitioners restrained the informant from ploughing his own land and petitioner no.2 demanded extortion of Rs. 10 lacs and they are named in the FIR.

Considering the accusation made in the background of



land dispute and delayed lodging of the FIR, 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 Chief Judicial Magistrate, Araria in connection with Araria (Madanpur) P.S. Case No. 907 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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

